

**SENATE**  
**STATE OF MINNESOTA**  
**NINETIETH SESSION**

**S.F. No. 1292**

(SENATE AUTHORS: UTKE)

DATE	D-PG	OFFICIAL STATUS
02/22/2017	704	Introduction and first reading
		Referred to Human Services Reform Finance and Policy
03/02/2017	954a	Comm report: To pass as amended and re-refer to Judiciary and Public Safety Finance and Policy
03/13/2017		Comm report: To pass as amended
		Second reading

1.1 A bill for an act

1.2 relating to human services; modifying provisions governing children and families

1.3 services, mental health services, community services system data sharing, and

1.4 operations; amending Minnesota Statutes 2016, sections 13.32, by adding a

1.5 subdivision; 13.46, subdivisions 1, 2, 3; 13.461, subdivision 28; 13.84, subdivision

1.6 5; 119B.02, subdivision 6; 144.057, subdivision 1; 245A.02, subdivision 3, by

1.7 adding a subdivision; 245A.03, subdivision 3; 245A.04, subdivision 1; 245A.07,

1.8 subdivisions 1, 2, 2a, 3; 245A.08, subdivision 3; 245C.02, subdivisions 5, 13b, by

1.9 adding subdivisions; 245C.05, subdivisions 1, 5; 245C.08, subdivisions 1, 3;

1.10 245C.12; 245C.32, subdivisions 1a, 2, 3; 245C.33, subdivision 4; 245C.34,

1.11 subdivision 4; 245D.10, subdivision 3a; 256.01, subdivisions 18d, 18e; 256.045,

1.12 subdivisions 3, 4; 256.0451, subdivisions 1, 3, 5, 6, 7, 9, 10, 11, 12, 21; 256.046,

1.13 subdivision 1; 256.9685, subdivisions 1, 1a; 256B.064, subdivision 2, by adding

1.14 subdivisions; 256N.28, subdivision 6; 259.35, subdivision 1; 259.53, subdivision

1.15 4; 259.83, subdivision 1a; 260C.101, by adding a subdivision; 260C.171,

1.16 subdivision 2; 260C.178, subdivision 1; 260C.212, subdivisions 1, 2, by adding a

1.17 subdivision; 260C.219; 260C.503, subdivision 2; 260C.515, subdivision 4;

1.18 260C.605, subdivision 1; 260C.607, subdivision 6; 260C.609; 260C.611; 260C.613,

1.19 subdivision 6; 260C.615, subdivision 1; 260C.623, subdivision 4; 260C.625;

1.20 260C.629, subdivision 2; 270B.14, subdivision 1; 393.07, subdivision 10; 518A.41,

1.21 subdivision 4; 518A.685; 626.556, subdivisions 2, 3, 3c, 3e, 7, 10, 10f, 10j, 10m,

1.22 11; 626.5561, subdivision 1; 626.558, subdivision 2; proposing coding for new

1.23 law in Minnesota Statutes, chapters 256B; 518; repealing Minnesota Statutes 2016,

1.24 sections 13.468; 119B.125, subdivision 8; 256J.751, subdivision 1.

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

1.26 style="text-align:center">**ARTICLE 1**

1.27 style="text-align:center">**CHILDREN AND FAMILIES SERVICES**

1.28 Section 1. Minnesota Statutes 2016, section 13.46, subdivision 2, is amended to read:

1.29 Subd. 2. **General.** (a) Data on individuals collected, maintained, used, or disseminated

1.30 by the welfare system are private data on individuals, and shall not be disclosed except:

1.31 (1) according to section 13.05;

2.1 (2) according to court order;

2.2 (3) according to a statute specifically authorizing access to the private data;

2.3 (4) to an agent of the welfare system and an investigator acting on behalf of a county,  
2.4 the state, or the federal government, including a law enforcement person or attorney in the  
2.5 investigation or prosecution of a criminal, civil, or administrative proceeding relating to the  
2.6 administration of a program;

2.7 (5) to personnel of the welfare system who require the data to verify an individual's  
2.8 identity; determine eligibility, amount of assistance, and the need to provide services to an  
2.9 individual or family across programs; coordinate services for an individual or family;  
2.10 evaluate the effectiveness of programs; assess parental contribution amounts; and investigate  
2.11 suspected fraud;

2.12 (6) to administer federal funds or programs;

2.13 (7) between personnel of the welfare system working in the same program;

2.14 (8) to the Department of Revenue to assess parental contribution amounts for purposes  
2.15 of section 252.27, subdivision 2a, administer and evaluate tax refund or tax credit programs  
2.16 and to identify individuals who may benefit from these programs. The following information  
2.17 may be disclosed under this paragraph: an individual's and their dependent's names, dates  
2.18 of birth, Social Security numbers, income, addresses, and other data as required, upon  
2.19 request by the Department of Revenue. Disclosures by the commissioner of revenue to the  
2.20 commissioner of human services for the purposes described in this clause are governed by  
2.21 section 270B.14, subdivision 1. Tax refund or tax credit programs include, but are not limited  
2.22 to, the dependent care credit under section 290.067, the Minnesota working family credit  
2.23 under section 290.0671, the property tax refund and rental credit under section 290A.04,  
2.24 and the Minnesota education credit under section 290.0674;

2.25 (9) between the Department of Human Services, the Department of Employment and  
2.26 Economic Development, and when applicable, the Department of Education, for the following  
2.27 purposes:

2.28 (i) to monitor the eligibility of the data subject for unemployment benefits, for any  
2.29 employment or training program administered, supervised, or certified by that agency;

2.30 (ii) to administer any rehabilitation program or child care assistance program, whether  
2.31 alone or in conjunction with the welfare system;

2.32 (iii) to monitor and evaluate the Minnesota family investment program or the child care  
2.33 assistance program by exchanging data on recipients and former recipients of food support,

3.1 cash assistance under chapter 256, 256D, 256J, or 256K, child care assistance under chapter  
3.2 119B, medical programs under chapter 256B or 256L, or a medical program formerly  
3.3 codified under chapter 256D; and

3.4 (iv) to analyze public assistance employment services and program utilization, cost,  
3.5 effectiveness, and outcomes as implemented under the authority established in Title II,  
3.6 Sections 201-204 of the Ticket to Work and Work Incentives Improvement Act of 1999.  
3.7 Health records governed by sections 144.291 to 144.298 and "protected health information"  
3.8 as defined in Code of Federal Regulations, title 45, section 160.103, and governed by Code  
3.9 of Federal Regulations, title 45, parts 160-164, including health care claims utilization  
3.10 information, must not be exchanged under this clause;

3.11 (10) to appropriate parties in connection with an emergency if knowledge of the  
3.12 information is necessary to protect the health or safety of the individual or other individuals  
3.13 or persons;

3.14 (11) data maintained by residential programs as defined in section 245A.02 may be  
3.15 disclosed to the protection and advocacy system established in this state according to Part  
3.16 C of Public Law 98-527 to protect the legal and human rights of persons with developmental  
3.17 disabilities or other related conditions who live in residential facilities for these persons if  
3.18 the protection and advocacy system receives a complaint by or on behalf of that person and  
3.19 the person does not have a legal guardian or the state or a designee of the state is the legal  
3.20 guardian of the person;

3.21 (12) to the county medical examiner or the county coroner for identifying or locating  
3.22 relatives or friends of a deceased person;

3.23 (13) data on a child support obligor who makes payments to the public agency may be  
3.24 disclosed to the Minnesota Office of Higher Education to the extent necessary to determine  
3.25 eligibility under section 136A.121, subdivision 2, clause (5);

3.26 (14) participant Social Security numbers and names collected by the telephone assistance  
3.27 program may be disclosed to the Department of Revenue to conduct an electronic data  
3.28 match with the property tax refund database to determine eligibility under section 237.70,  
3.29 subdivision 4a;

3.30 (15) the current address of a Minnesota family investment program participant may be  
3.31 disclosed to law enforcement officers who provide the name of the participant and notify  
3.32 the agency that:

3.33 (i) the participant:

4.1 (A) is a fugitive felon fleeing to avoid prosecution, or custody or confinement after  
4.2 conviction, for a crime or attempt to commit a crime that is a felony under the laws of the  
4.3 jurisdiction from which the individual is fleeing; or

4.4 (B) is violating a condition of probation or parole imposed under state or federal law;

4.5 (ii) the location or apprehension of the felon is within the law enforcement officer's  
4.6 official duties; and

4.7 (iii) the request is made in writing and in the proper exercise of those duties;

4.8 (16) the current address of a recipient of general assistance may be disclosed to probation  
4.9 officers and corrections agents who are supervising the recipient and to law enforcement  
4.10 officers who are investigating the recipient in connection with a felony level offense;

4.11 (17) information obtained from food support applicant or recipient households may be  
4.12 disclosed to local, state, or federal law enforcement officials, upon their written request, for  
4.13 the purpose of investigating an alleged violation of the Food Stamp Act, according to Code  
4.14 of Federal Regulations, title 7, section 272.1(c);

4.15 (18) the address, Social Security number, and, if available, photograph of any member  
4.16 of a household receiving food support shall be made available, on request, to a local, state,  
4.17 or federal law enforcement officer if the officer furnishes the agency with the name of the  
4.18 member and notifies the agency that:

4.19 (i) the member:

4.20 (A) is fleeing to avoid prosecution, or custody or confinement after conviction, for a  
4.21 crime or attempt to commit a crime that is a felony in the jurisdiction the member is fleeing;

4.22 (B) is violating a condition of probation or parole imposed under state or federal law;  
4.23 or

4.24 (C) has information that is necessary for the officer to conduct an official duty related  
4.25 to conduct described in subitem (A) or (B);

4.26 (ii) locating or apprehending the member is within the officer's official duties; and

4.27 (iii) the request is made in writing and in the proper exercise of the officer's official duty;

4.28 (19) the current address of a recipient of Minnesota family investment program, general  
4.29 assistance, or food support may be disclosed to law enforcement officers who, in writing,  
4.30 provide the name of the recipient and notify the agency that the recipient is a person required  
4.31 to register under section 243.166, but is not residing at the address at which the recipient is  
4.32 registered under section 243.166;

5.1 (20) certain information regarding child support obligors who are in arrears may be  
5.2 made public according to section 518A.74;

5.3 (21) data on child support payments made by a child support obligor and data on the  
5.4 distribution of those payments excluding identifying information on obligees may be  
5.5 disclosed to all obligees to whom the obligor owes support, and data on the enforcement  
5.6 actions undertaken by the public authority, the status of those actions, and data on the income  
5.7 of the obligor or obligee may be disclosed to the other party;

5.8 (22) data in the work reporting system may be disclosed under section 256.998,  
5.9 subdivision 7;

5.10 (23) to the Department of Education for the purpose of matching Department of Education  
5.11 student data with public assistance data to determine students eligible for free and  
5.12 reduced-price meals, meal supplements, and free milk according to United States Code,  
5.13 title 42, sections 1758, 1761, 1766, 1766a, 1772, and 1773; to allocate federal and state  
5.14 funds that are distributed based on income of the student's family; and to verify receipt of  
5.15 energy assistance for the telephone assistance plan;

5.16 (24) the current address and telephone number of program recipients and emergency  
5.17 contacts may be released to the commissioner of health or a community health board as  
5.18 defined in section 145A.02, subdivision 5, when the commissioner or community health  
5.19 board has reason to believe that a program recipient is a disease case, carrier, suspect case,  
5.20 or at risk of illness, and the data are necessary to locate the person;

5.21 (25) to other state agencies, statewide systems, and political subdivisions of this state,  
5.22 including the attorney general, and agencies of other states, interstate information networks,  
5.23 federal agencies, and other entities as required by federal regulation or law for the  
5.24 administration of the child support enforcement program;

5.25 (26) to personnel of public assistance programs as defined in section 256.741, for access  
5.26 to the child support system database for the purpose of administration, including monitoring  
5.27 and evaluation of those public assistance programs;

5.28 (27) to monitor and evaluate the Minnesota family investment program by exchanging  
5.29 data between the Departments of Human Services and Education, on recipients and former  
5.30 recipients of food support, cash assistance under chapter 256, 256D, 256J, or 256K, child  
5.31 care assistance under chapter 119B, medical programs under chapter 256B or 256L, or a  
5.32 medical program formerly codified under chapter 256D;

6.1 (28) to evaluate child support program performance and to identify and prevent fraud  
6.2 in the child support program by exchanging data between the Department of Human Services,  
6.3 Department of Revenue under section 270B.14, subdivision 1, paragraphs (a) and (b),  
6.4 without regard to the limitation of use in paragraph (c), Department of Health, Department  
6.5 of Employment and Economic Development, and other state agencies as is reasonably  
6.6 necessary to perform these functions;

6.7 (29) counties and the Department of Human Services operating child care assistance  
6.8 programs under chapter 119B may disseminate data on program participants, applicants,  
6.9 and providers to the commissioner of education;

6.10 (30) child support data on the child, the parents, and relatives of the child may be  
6.11 disclosed to agencies administering programs under titles IV-B and IV-E of the Social  
6.12 Security Act, as authorized by federal law; ~~or~~

6.13 (31) to a health care provider governed by sections 144.291 to 144.298, to the extent  
6.14 necessary to coordinate services; or

6.15 (32) to the Department of Education for the purpose of matching Department of Education  
6.16 student data with public assistance data to determine students eligible for early learning  
6.17 scholarships.

6.18 (b) Information on persons who have been treated for drug or alcohol abuse may only  
6.19 be disclosed according to the requirements of Code of Federal Regulations, title 42, sections  
6.20 2.1 to 2.67.

6.21 (c) Data provided to law enforcement agencies under paragraph (a), clause (15), (16),  
6.22 (17), or (18), or paragraph (b), are investigative data and are confidential or protected  
6.23 nonpublic while the investigation is active. The data are private after the investigation  
6.24 becomes inactive under section 13.82, subdivision 5, paragraph (a) or (b).

6.25 (d) Mental health data shall be treated as provided in subdivisions 7, 8, and 9, but are  
6.26 not subject to the access provisions of subdivision 10, paragraph (b).

6.27 For the purposes of this subdivision, a request will be deemed to be made in writing if  
6.28 made through a computer interface system.

6.29 **EFFECTIVE DATE.** This section is effective the day following final enactment.

6.30 Sec. 2. Minnesota Statutes 2016, section 13.461, subdivision 28, is amended to read:

6.31 Subd. 28. **Child care assistance program.** Data collected, maintained, used, or  
6.32 disseminated by the welfare system pertaining to persons selected as legal nonlicensed child

7.1 care providers by families receiving child care assistance are classified under section 119B.02,  
7.2 subdivision 6, paragraph (a). Child care assistance program payment data is classified under  
7.3 section 119B.02, subdivision 6, paragraph (b).

7.4 **EFFECTIVE DATE.** This section is effective the day following final enactment.

7.5 Sec. 3. Minnesota Statutes 2016, section 119B.02, subdivision 6, is amended to read:

7.6 Subd. 6. **Data.** (a) Data collected, maintained, used, or disseminated by the welfare  
7.7 system pertaining to persons selected as legal nonlicensed child care providers by families  
7.8 receiving child care assistance shall be treated as licensing data as provided in section 13.46,  
7.9 subdivision 4.

7.10 (b) For purposes of this paragraph, "payment data" means data showing that a child care  
7.11 assistance program payment under this chapter was made and the amount of child care  
7.12 assistance payments made to a child care center for a specified time period. Payment data  
7.13 may include the number of families and children on whose behalf payments were made for  
7.14 the specified time period. Any payment data that may identify a specific child care assistance  
7.15 recipient or benefit paid on behalf of a specific child care assistance recipient, as determined  
7.16 by the commissioner, is private data on individuals. Data related to a child care assistance  
7.17 payment is public:

7.18 (1) when the data relates to a child care assistance payment made to a licensed child care  
7.19 center or a child care center exempt from licensure; and

7.20 (2) when the commissioner or county agency either:

7.21 (i) disqualified the center from receipt of a payment from the child care assistance  
7.22 program under this chapter for wrongfully obtaining child care assistance under section  
7.23 256.98, subdivision 8, paragraph (c);

7.24 (ii) refused a child care authorization, revoked a child care authorization, stopped  
7.25 payment, or denied payment for a bill for the center under section 119B.13, subdivision 6,  
7.26 paragraph (d); or

7.27 (iii) made a finding of financial misconduct under section 245E.02.

7.28 **EFFECTIVE DATE.** This section is effective the day following final enactment.

8.1 Sec. 4. Minnesota Statutes 2016, section 256N.28, subdivision 6, is amended to read:

8.2 Subd. 6. **Appeals and fair hearings.** (a) A caregiver has the right to appeal to the  
8.3 commissioner under section 256.045 when eligibility for Northstar Care for Children is  
8.4 denied, and when payment or the agreement for an eligible child is modified or terminated.

8.5 ~~(b) A relative custodian or adoptive parent has additional rights to appeal to the  
8.6 commissioner pursuant to section 256.045. These rights include when the commissioner  
8.7 terminates or modifies the Northstar kinship assistance or adoption assistance agreement  
8.8 or when the commissioner denies an application for Northstar kinship assistance or adoption  
8.9 assistance. A prospective relative custodian or adoptive parent who disagrees with a decision  
8.10 by the commissioner before transfer of permanent legal and physical custody or finalization  
8.11 of the adoption may request review of the decision by the commissioner or may appeal the  
8.12 decision under section 256.045. A Northstar kinship assistance or adoption assistance  
8.13 agreement must be signed and in effect before the court order that transfers permanent legal  
8.14 and physical custody or the adoption finalization; however, in some cases, there may be  
8.15 extenuating circumstances as to why an agreement was not entered into before finalization  
8.16 of permanency for the child. Caregivers who believe that extenuating circumstances exist  
8.17 as to why an agreement was not entered into before finalization of permanency in the case  
8.18 of their child may request a fair hearing. Caregivers have the responsibility of proving that  
8.19 extenuating circumstances exist. Caregivers must be required to provide written  
8.20 documentation of each eligibility criterion at the fair hearing. ~~Examples of extenuating  
8.21 circumstances include: relevant facts regarding the child were known by the placing agency  
8.22 and not presented to the caregivers before transfer of permanent legal and physical custody  
8.23 or finalization of the adoption, or failure by the commissioner or a designee to advise  
8.24 potential caregivers about the availability of Northstar kinship assistance or adoption  
8.25 assistance for children in the state foster care system.~~ If a human services judge finds through  
8.26 the fair hearing process that extenuating circumstances existed and that the child met all  
8.27 other eligibility criteria at the time the transfer of permanent legal and physical custody was  
8.28 ordered or the adoption was finalized, the effective date ~~and any associated federal financial  
8.29 participation~~ shall be retroactive from the date of the request for a fair hearing.~~

8.30 **EFFECTIVE DATE.** This section is effective the day following final enactment.

8.31 Sec. 5. Minnesota Statutes 2016, section 259.35, subdivision 1, is amended to read:

8.32 Subdivision 1. **Parental responsibilities.** Prior to commencing an investigation of the  
8.33 suitability of proposed adoptive parents, a child-placing agency shall give the individuals  
8.34 the following written notice in all capital letters at least one-eighth inch high:

9.1 "Minnesota Statutes, section 259.59, provides that upon legally adopting a child, adoptive  
 9.2 parents assume all the rights and responsibilities of birth parents. The responsibilities include  
 9.3 providing for the child's financial support and caring for health, emotional, and behavioral  
 9.4 problems. Except for subsidized adoptions under Minnesota Statutes, chapter ~~259A~~ 256N,  
 9.5 or any other provisions of law that expressly apply to adoptive parents and children, adoptive  
 9.6 parents are not eligible for state or federal financial subsidies besides those that a birth  
 9.7 parent would be eligible to receive for a child. Adoptive parents may not terminate their  
 9.8 parental rights to a legally adopted child for a reason that would not apply to a birth parent  
 9.9 seeking to terminate rights to a child. An individual who takes guardianship of a child for  
 9.10 the purpose of adopting the child shall, upon taking guardianship from the child's country  
 9.11 of origin, assume all the rights and responsibilities of birth and adoptive parents as stated  
 9.12 in this paragraph."

9.13 **EFFECTIVE DATE.** This section is effective the day following final enactment.

9.14 Sec. 6. Minnesota Statutes 2016, section 259.53, subdivision 4, is amended to read:

9.15 Subd. 4. **Preadoption residence.** No petition shall be granted under this chapter until  
 9.16 the child shall have lived three months in the proposed home, subject to a right of visitation  
 9.17 by the commissioner or an agency or their authorized representatives.

9.18 **EFFECTIVE DATE.** This section is effective the day following final enactment.

9.19 Sec. 7. Minnesota Statutes 2016, section 259.83, subdivision 1a, is amended to read:

9.20 Subd. 1a. **Social and medical history.** (a) If a person aged 19 years and over who was  
 9.21 adopted on or after August 1, 1994, or the adoptive parent requests the detailed nonidentifying  
 9.22 social and medical history of the adopted person's birth family that was provided at the time  
 9.23 of the adoption, agencies must provide the information to the adopted person or adoptive  
 9.24 parent on the applicable form required under ~~section~~ sections 259.43 and 260C.611.

9.25 (b) If an adopted person aged 19 years and over or the adoptive parent requests the  
 9.26 agency to contact the adopted person's birth parents to request current nonidentifying social  
 9.27 and medical history of the adopted person's birth family, agencies must use the applicable  
 9.28 form required under ~~section~~ sections 259.43 and 260C.611 when obtaining the information  
 9.29 for the adopted person or adoptive parent.

9.30 **EFFECTIVE DATE.** This section is effective the day following final enactment.

10.1 Sec. 8. Minnesota Statutes 2016, section 260C.101, is amended by adding a subdivision  
10.2 to read:

10.3 Subd. 6. **Provisions inapplicable to a child in foster care.** If the court orders a child  
10.4 placed under the protective care or legal custody of the responsible social services agency  
10.5 pursuant to section 260C.151, subdivision 6; 260C.178; or 260C.201, then the provisions  
10.6 of section 524.5-211 and chapter 257B have no force and effect and any delegation of power  
10.7 by parent or guardian or designation of standby custodian are terminated by the court's  
10.8 order.

10.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.

10.10 Sec. 9. Minnesota Statutes 2016, section 260C.171, subdivision 2, is amended to read:

10.11 Subd. 2. **Public inspection of records.** (a) The records from proceedings or portions of  
10.12 proceedings involving a child in need of protection or services, permanency, or termination  
10.13 of parental rights are accessible to the public as authorized by the Minnesota Rules of  
10.14 Juvenile Protection Procedure, except that the court shall maintain the confidentiality of a  
10.15 child's education, physical health, and mental health records or information. A petition filed  
10.16 alleging a child to be habitually truant under section 260C.007, subdivision 6, clause (14),  
10.17 shall not be considered a record or information of the child's education. The court shall  
10.18 maintain the confidentiality of any record filed in proceedings under chapter 260D.

10.19 (b) None of the records relating to an appeal from a nonpublic juvenile court proceeding,  
10.20 except the written appellate opinion, shall be open to public inspection or their contents  
10.21 disclosed except by order of a court.

10.22 (c) The records of juvenile probation officers are records of the court for the purposes  
10.23 of this subdivision. This subdivision applies to all proceedings under this chapter, including  
10.24 appeals from orders of the juvenile court. The court shall maintain the confidentiality of  
10.25 adoption files and records in accordance with the provisions of laws relating to adoptions.  
10.26 In juvenile court proceedings any report or social history furnished to the court shall be  
10.27 open to inspection by the attorneys of record and the guardian ad litem a reasonable time  
10.28 before it is used in connection with any proceeding before the court.

10.29 **EFFECTIVE DATE.** This section is effective the day following final enactment.

10.30 Sec. 10. Minnesota Statutes 2016, section 260C.178, subdivision 1, is amended to read:

10.31 Subdivision 1. **Hearing and release requirements.** (a) If a child was taken into custody  
10.32 under section 260C.175, subdivision 1, clause (1) or (2), item (ii), the court shall hold a

11.1 hearing within 72 hours of the time the child was taken into custody, excluding Saturdays,  
11.2 Sundays, and holidays, to determine whether the child should continue in custody.

11.3 (b) Unless there is reason to believe that the child would endanger self or others or not  
11.4 return for a court hearing, or that the child's health or welfare would be immediately  
11.5 endangered, the child shall be released to the custody of a parent, guardian, custodian, or  
11.6 other suitable person, subject to reasonable conditions of release including, but not limited  
11.7 to, a requirement that the child undergo a chemical use assessment as provided in section  
11.8 260C.157, subdivision 1.

11.9 (c) If the court determines there is reason to believe that the child would endanger self  
11.10 or others or not return for a court hearing, or that the child's health or welfare would be  
11.11 immediately endangered if returned to the care of the parent or guardian who has custody  
11.12 and from whom the child was removed, the court shall order the child into foster care under  
11.13 the legal responsibility of the responsible social services agency or responsible probation  
11.14 or corrections agency for the purposes of protective care as that term is used in the juvenile  
11.15 court rules or into the home of a noncustodial parent and order the noncustodial parent to  
11.16 comply with any conditions the court determines to be appropriate to the safety and care of  
11.17 the child, including cooperating with paternity establishment proceedings in the case of a  
11.18 man who has not been adjudicated the child's father. The court shall not give the responsible  
11.19 social services legal custody and order a trial home visit at any time prior to adjudication  
11.20 and disposition under section 260C.201, subdivision 1, paragraph (a), clause (3), but may  
11.21 order the child returned to the care of the parent or guardian who has custody and from  
11.22 whom the child was removed and order the parent or guardian to comply with any conditions  
11.23 the court determines to be appropriate to meet the safety, health, and welfare of the child.

11.24 (d) In determining whether the child's health or welfare would be immediately  
11.25 endangered, the court shall consider whether the child would reside with a perpetrator of  
11.26 domestic child abuse.

11.27 (e) The court, before determining whether a child should be placed in or continue in  
11.28 foster care under the protective care of the responsible agency, shall also make a  
11.29 determination, consistent with section 260.012 as to whether reasonable efforts were made  
11.30 to prevent placement or whether reasonable efforts to prevent placement are not required.  
11.31 In the case of an Indian child, the court shall determine whether active efforts, according  
11.32 to section 260.762 and the Indian Child Welfare Act of 1978, United States Code, title 25,  
11.33 section 1912(d), were made to prevent placement. The court shall enter a finding that the  
11.34 responsible social services agency has made reasonable efforts to prevent placement when  
11.35 the agency establishes either:

12.1 (1) that it has actually provided services or made efforts in an attempt to prevent the  
12.2 child's removal but that such services or efforts have not proven sufficient to permit the  
12.3 child to safely remain in the home; or

12.4 (2) that there are no services or other efforts that could be made at the time of the hearing  
12.5 that could safely permit the child to remain home or to return home. When reasonable efforts  
12.6 to prevent placement are required and there are services or other efforts that could be ordered  
12.7 which would permit the child to safely return home, the court shall order the child returned  
12.8 to the care of the parent or guardian and the services or efforts put in place to ensure the  
12.9 child's safety. When the court makes a prima facie determination that one of the  
12.10 circumstances under paragraph (g) exists, the court shall determine that reasonable efforts  
12.11 to prevent placement and to return the child to the care of the parent or guardian are not  
12.12 required.

12.13 If the court finds the social services agency's preventive or reunification efforts have  
12.14 not been reasonable but further preventive or reunification efforts could not permit the child  
12.15 to safely remain at home, the court may nevertheless authorize or continue the removal of  
12.16 the child.

12.17 (f) The court may not order or continue the foster care placement of the child unless the  
12.18 court makes explicit, individualized findings that continued custody of the child by the  
12.19 parent or guardian would be contrary to the welfare of the child and that placement is in the  
12.20 best interest of the child.

12.21 (g) At the emergency removal hearing, or at any time during the course of the proceeding,  
12.22 and upon notice and request of the county attorney, the court shall determine whether a  
12.23 petition has been filed stating a prima facie case that:

12.24 (1) the parent has subjected a child to egregious harm as defined in section 260C.007,  
12.25 subdivision 14;

12.26 (2) the parental rights of the parent to another child have been involuntarily terminated;

12.27 (3) the child is an abandoned infant under section 260C.301, subdivision 2, paragraph  
12.28 (a), clause (2);

12.29 (4) the parents' custodial rights to another child have been involuntarily transferred to a  
12.30 relative under Minnesota Statutes 2010, section 260C.201, subdivision 11, paragraph (e),  
12.31 clause (1); section 260C.515, subdivision 4; or a similar law of another jurisdiction;

12.32 (5) the parent has committed sexual abuse as defined in section 626.556, subdivision 2,  
12.33 against the child or another child of the parent;

13.1 (6) the parent has committed an offense that requires registration as a predatory offender  
13.2 under section 243.166, subdivision 1b, paragraph (a) or (b); or

13.3 (7) the provision of services or further services for the purpose of reunification is futile  
13.4 and therefore unreasonable.

13.5 (h) When a petition to terminate parental rights is required under section 260C.301,  
13.6 subdivision 4, or 260C.503, subdivision 2, but the county attorney has determined not to  
13.7 proceed with a termination of parental rights petition, and has instead filed a petition to  
13.8 transfer permanent legal and physical custody to a relative under section 260C.507, the  
13.9 court shall schedule a permanency hearing within 30 days of the filing of the petition.

13.10 (i) If the county attorney has filed a petition under section 260C.307, the court shall  
13.11 schedule a trial under section 260C.163 within 90 days of the filing of the petition except  
13.12 when the county attorney determines that the criminal case shall proceed to trial first under  
13.13 section 260C.503, subdivision 2, paragraph (c).

13.14 (j) If the court determines the child should be ordered into foster care and the child's  
13.15 parent refuses to give information to the responsible social services agency regarding the  
13.16 child's father or relatives of the child, the court may order the parent to disclose the names,  
13.17 addresses, telephone numbers, and other identifying information to the responsible social  
13.18 services agency for the purpose of complying with sections 260C.151, 260C.212, 260C.215,  
13.19 and 260C.221.

13.20 (k) If a child ordered into foster care has siblings, ~~whether full, half, or step~~, who are  
13.21 also ordered into foster care, the court shall inquire of the responsible social services agency  
13.22 of the efforts to place the children together as required by section 260C.212, subdivision 2,  
13.23 paragraph (d), if placement together is in each child's best interests, unless a child is in  
13.24 placement for treatment or a child is placed with a previously noncustodial parent who is  
13.25 not a parent to all siblings. If the children are not placed together at the time of the hearing,  
13.26 the court shall inquire at each subsequent hearing of the agency's reasonable efforts to place  
13.27 the siblings together, as required under section 260.012. If any sibling is not placed with  
13.28 another sibling or siblings, the agency must develop a plan to facilitate visitation or ongoing  
13.29 contact among the siblings as required under section 260C.212, subdivision 1, unless it is  
13.30 contrary to the safety or well-being of any of the siblings to do so.

13.31 (l) When the court has ordered the child into foster care or into the home of a noncustodial  
13.32 parent, the court may order a chemical dependency evaluation, mental health evaluation,  
13.33 medical examination, and parenting assessment for the parent as necessary to support the  
13.34 development of a plan for reunification required under subdivision 7 and section 260C.212,

14.1 subdivision 1, or the child protective services plan under section 626.556, subdivision 10,  
14.2 and Minnesota Rules, part 9560.0228.

14.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.

14.4 Sec. 11. Minnesota Statutes 2016, section 260C.212, subdivision 1, is amended to read:

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

14.9 (b) An out-of-home placement plan means a written document which is prepared by the  
14.10 responsible social services agency jointly with the parent or parents or guardian of the child  
14.11 and in consultation with the child's guardian ad litem, the child's tribe, if the child is an  
14.12 Indian child, the child's foster parent or representative of the foster care facility, and, where  
14.13 appropriate, the child. When a child is age 14 or older, the child may include two other  
14.14 individuals on the team preparing the child's out-of-home placement plan. The child may  
14.15 select one member of the case planning team to be designated as the child's ~~advisor~~ adviser  
14.16 and to advocate with respect to the application of the reasonable and prudent parenting  
14.17 standards. The responsible social services agency may reject an individual selected by the  
14.18 child if the agency has good cause to believe that the individual would not act in the best  
14.19 interest of the child. For a child in voluntary foster care for treatment under chapter 260D,  
14.20 preparation of the out-of-home placement plan shall additionally include the child's mental  
14.21 health treatment provider. For a child 18 years of age or older, the responsible social services  
14.22 agency shall involve the child and the child's parents as appropriate. As appropriate, the  
14.23 plan shall be:

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

14.25 (2) ordered by the court, either as presented or modified after hearing, under section  
14.26 260C.178, subdivision 7, or 260C.201, subdivision 6; and

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

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

14.32 (1) a description of the foster care home or facility selected, including how the  
14.33 out-of-home placement plan is designed to achieve a safe placement for the child in the

15.1 least restrictive, most family-like, setting available which is in close proximity to the home  
15.2 of the parent or parents or guardian of the child when the case plan goal is reunification,  
15.3 and how the placement is consistent with the best interests and special needs of the child  
15.4 according to the factors under subdivision 2, paragraph (b);

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

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

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

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

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

15.22 (5) the visitation plan for the parent or parents or guardian, other relatives as defined in  
15.23 section 260C.007, subdivision 26b or 27, and siblings of the child if the siblings are not  
15.24 placed together in foster care, and whether visitation is consistent with the best interest of  
15.25 the child, during the period the child is in foster care;

15.26 (6) when a child cannot return to or be in the care of either parent, documentation of  
15.27 steps to finalize adoption as the permanency plan for the child through reasonable efforts  
15.28 to place the child for adoption. At a minimum, the documentation must include consideration  
15.29 of whether adoption is in the best interests of the child, child-specific recruitment efforts  
15.30 such as relative search and the use of state, regional, and national adoption exchanges to  
15.31 facilitate orderly and timely placements in and outside of the state. A copy of this  
15.32 documentation shall be provided to the court in the review required under section 260C.317,  
15.33 subdivision 3, paragraph (b);

16.1 (7) when a child cannot return to or be in the care of either parent, documentation of  
16.2 steps to finalize the transfer of permanent legal and physical custody to a relative as the  
16.3 permanency plan for the child. This documentation must support the requirements of the  
16.4 kinship placement agreement under section 256N.22 and must include the reasonable efforts  
16.5 used to determine that it is not appropriate for the child to return home or be adopted, and  
16.6 reasons why permanent placement with a relative through a Northstar kinship assistance  
16.7 arrangement is in the child's best interest; how the child meets the eligibility requirements  
16.8 for Northstar kinship assistance payments; agency efforts to discuss adoption with the child's  
16.9 relative foster parent and reasons why the relative foster parent chose not to pursue adoption,  
16.10 if applicable; and agency efforts to discuss with the child's parent or parents the permanent  
16.11 transfer of permanent legal and physical custody or the reasons why these efforts were not  
16.12 made;

16.13 (8) efforts to ensure the child's educational stability while in foster care for a child who  
16.14 attained the minimum age for compulsory school attendance under state law and is enrolled  
16.15 full time in elementary or secondary school, or instructed in elementary or secondary  
16.16 education at home, or instructed in an independent study elementary or secondary program,  
16.17 or incapable of attending school on a full-time basis due to a medical condition that is  
16.18 documented and supported by regularly updated information in the child's case plan.  
16.19 Educational stability efforts include:

16.20 (i) efforts to ensure that the child remains in the same school in which the child was  
16.21 enrolled prior to placement or upon the child's move from one placement to another, including  
16.22 efforts to work with the local education authorities to ensure the child's educational stability  
16.23 and attendance; or

16.24 (ii) if it is not in the child's best interest to remain in the same school that the child was  
16.25 enrolled in prior to placement or move from one placement to another, efforts to ensure  
16.26 immediate and appropriate enrollment for the child in a new school;

16.27 (9) the educational records of the child including the most recent information available  
16.28 regarding:

16.29 (i) the names and addresses of the child's educational providers;

16.30 (ii) the child's grade level performance;

16.31 (iii) the child's school record;

16.32 (iv) a statement about how the child's placement in foster care takes into account  
16.33 proximity to the school in which the child is enrolled at the time of placement; and

- 17.1 (v) any other relevant educational information;
- 17.2 (10) the efforts by the responsible social services agency to ensure the oversight and  
17.3 continuity of health care services for the foster child, including:
- 17.4 (i) the plan to schedule the child's initial health screens;
- 17.5 (ii) how the child's known medical problems and identified needs from the screens,  
17.6 including any known communicable diseases, as defined in section 144.4172, subdivision  
17.7 2, shall be monitored and treated while the child is in foster care;
- 17.8 (iii) how the child's medical information shall be updated and shared, including the  
17.9 child's immunizations;
- 17.10 (iv) who is responsible to coordinate and respond to the child's health care needs,  
17.11 including the role of the parent, the agency, and the foster parent;
- 17.12 (v) who is responsible for oversight of the child's prescription medications;
- 17.13 (vi) how physicians or other appropriate medical and nonmedical professionals shall be  
17.14 consulted and involved in assessing the health and well-being of the child and determine  
17.15 the appropriate medical treatment for the child; and
- 17.16 (vii) the responsibility to ensure that the child has access to medical care through either  
17.17 medical insurance or medical assistance;
- 17.18 (11) the health records of the child including information available regarding:
- 17.19 (i) the names and addresses of the child's health care and dental care providers;
- 17.20 (ii) a record of the child's immunizations;
- 17.21 (iii) the child's known medical problems, including any known communicable diseases  
17.22 as defined in section 144.4172, subdivision 2;
- 17.23 (iv) the child's medications; and
- 17.24 (v) any other relevant health care information such as the child's eligibility for medical  
17.25 insurance or medical assistance;
- 17.26 (12) an independent living plan for a child 14 years of age or older, developed in  
17.27 consultation with the child. The child may select one member of the case planning team to  
17.28 be designated as the child's ~~advisor~~ advisor and to advocate with respect to the application  
17.29 of the reasonable and prudent parenting standards in subdivision 14. The plan should include,  
17.30 but not be limited to, the following objectives:
- 17.31 (i) educational, vocational, or employment planning;

- 18.1 (ii) health care planning and medical coverage;
- 18.2 (iii) transportation including, where appropriate, assisting the child in obtaining a driver's  
18.3 license;
- 18.4 (iv) money management, including the responsibility of the responsible social services  
18.5 agency to ensure that the child annually receives, at no cost to the child, a consumer report  
18.6 as defined under section 13C.001 and assistance in interpreting and resolving any inaccuracies  
18.7 in the report;
- 18.8 (v) planning for housing;
- 18.9 (vi) social and recreational skills;
- 18.10 (vii) establishing and maintaining connections with the child's family and community;  
18.11 and
- 18.12 (viii) regular opportunities to engage in age-appropriate or developmentally appropriate  
18.13 activities typical for the child's age group, taking into consideration the capacities of the  
18.14 individual child;
- 18.15 (13) for a child in voluntary foster care for treatment under chapter 260D, diagnostic  
18.16 and assessment information, specific services relating to meeting the mental health care  
18.17 needs of the child, and treatment outcomes; and
- 18.18 (14) for a child 14 years of age or older, a signed acknowledgment that describes the  
18.19 child's rights regarding education, health care, visitation, safety and protection from  
18.20 exploitation, and court participation; receipt of the documents identified in section 260C.452;  
18.21 and receipt of an annual credit report. The acknowledgment shall state that the rights were  
18.22 explained in an age-appropriate manner to the child.
- 18.23 (d) The parent or parents or guardian and the child each shall have the right to legal  
18.24 counsel in the preparation of the case plan and shall be informed of the right at the time of  
18.25 placement of the child. The child shall also have the right to a guardian ad litem. If unable  
18.26 to employ counsel from their own resources, the court shall appoint counsel upon the request  
18.27 of the parent or parents or the child or the child's legal guardian. The parent or parents may  
18.28 also receive assistance from any person or social services agency in preparation of the case  
18.29 plan.
- 18.30 After the plan has been agreed upon by the parties involved or approved or ordered by  
18.31 the court, the foster parents shall be fully informed of the provisions of the case plan and  
18.32 shall be provided a copy of the plan.

19.1 Upon discharge from foster care, the parent, adoptive parent, or permanent legal and  
 19.2 physical custodian, ~~as appropriate~~, and the child, if ~~appropriate~~ 14 years of age or older,  
 19.3 must be provided with a current copy of the child's health and education record- and, for a  
 19.4 child who meets the conditions in subdivision 15, paragraph (b), the child's social and  
 19.5 medical history. A child younger than 14 years of age may be given a copy of the child's  
 19.6 health and education record and social and medical history, if appropriate and applicable  
 19.7 according to subdivision 15, paragraph (b).

19.8 **EFFECTIVE DATE.** This section is effective the day following final enactment.

19.9 Sec. 12. Minnesota Statutes 2016, section 260C.212, subdivision 2, is amended to read:

19.10 Subd. 2. **Placement decisions based on best interests of the child.** (a) The policy of  
 19.11 the state of Minnesota is to ensure that the child's best interests are met by requiring an  
 19.12 individualized determination of the needs of the child and of how the selected placement  
 19.13 will serve the needs of the child being placed. The authorized child-placing agency shall  
 19.14 assess a noncustodial or nonadjudicated parent's capacity and willingness to provide for the  
 19.15 day-to-day care of a child pursuant to section 260C.219. Upon assessment, if a noncustodial  
 19.16 or nonadjudicated parent cannot provide for the day-to-day care of a child, the authorized  
 19.17 child-placing agency shall place a child, released by court order or by voluntary release by  
 19.18 the parent or parents, in a family foster home selected by considering placement with relatives  
 19.19 and important friends in the following order:

19.20 (1) with an individual who is related to the child by blood, marriage, or adoption,  
 19.21 including the legal parent, guardian, or custodian of the child's sibling; or

19.22 (2) with an individual who is an important friend with whom the child has resided or  
 19.23 had significant contact.

19.24 For an Indian child, the agency shall follow the order of placement preferences in the Indian  
 19.25 Child Welfare Act of 1978, United States Code, title 25, section 1915.

19.26 (b) Among the factors the agency shall consider in determining the needs of the child  
 19.27 are the following:

19.28 (1) the child's current functioning and behaviors;

19.29 (2) the medical needs of the child;

19.30 (3) the educational needs of the child;

19.31 (4) the developmental needs of the child;

19.32 (5) the child's history and past experience;

- 20.1 (6) the child's religious and cultural needs;
- 20.2 (7) the child's connection with a community, school, and faith community;
- 20.3 (8) the child's interests and talents;
- 20.4 (9) the child's relationship to current caretakers, parents, siblings, and relatives;
- 20.5 (10) the reasonable preference of the child, if the court, or the child-placing agency in
- 20.6 the case of a voluntary placement, deems the child to be of sufficient age to express
- 20.7 preferences; and
- 20.8 (11) for an Indian child, the best interests of an Indian child as defined in section 260.755,
- 20.9 subdivision 2a.

20.10 (c) Placement of a child cannot be delayed or denied based on race, color, or national

20.11 origin of the foster parent or the child.

20.12 (d) Siblings should be placed together for foster care and adoption at the earliest possible

20.13 time unless it is documented that a joint placement would be contrary to the safety or

20.14 well-being of any of the siblings or unless it is not possible after reasonable efforts by the

20.15 responsible social services agency. In cases where siblings cannot be placed together, the

20.16 agency is required to provide frequent visitation or other ongoing interaction between

20.17 siblings unless the agency documents that the interaction would be contrary to the safety

20.18 or well-being of any of the siblings.

20.19 (e) Except for emergency placement as provided for in section 245A.035, the following

20.20 requirements must be satisfied before the approval of a foster or adoptive placement in a

20.21 related or unrelated home: (1) a completed background study under section 245C.08; and

20.22 (2) a completed review of the written home study required under section 260C.215,

20.23 subdivision 4, clause (5), or 260C.611, to assess the capacity of the prospective foster or

20.24 adoptive parent to ensure the placement will meet the needs of the individual child.

20.25 **EFFECTIVE DATE.** This section is effective the day following final enactment.

20.26 Sec. 13. Minnesota Statutes 2016, section 260C.212, is amended by adding a subdivision

20.27 to read:

20.28 **Subd. 15. Social and medical history.** (a) The commissioner shall develop forms for

20.29 the responsible social services agency to complete a child's social and medical history. The

20.30 responsible social services agency shall work with the child's birth family, foster family,

20.31 medical and treatment providers, and school to ensure there is a detailed and up-to-date

20.32 social and medical history of the child on the forms provided by the commissioner.

21.1 (b) If the child continues in foster care, the responsible social services agency's reasonable  
 21.2 efforts to complete the history shall begin no later than the permanency progress review  
 21.3 hearing required in section 260C.204 or six months after the child's placement in foster  
 21.4 care, whichever occurs earlier.

21.5 (c) A child's social and medical history must include background and health history  
 21.6 specific to the child, the child's birth parents, and the child's other birth relatives. Applicable  
 21.7 background and health information about the child includes the child's current health  
 21.8 condition, behavior, and demeanor; placement history; education history; sibling information;  
 21.9 and birth, medical, dental, and immunization information. Redacted copies of pertinent  
 21.10 records, assessments, and evaluations must be attached to the child's social and medical  
 21.11 history. Applicable background information about the child's birth parents and other birth  
 21.12 relatives includes general background information; education and employment histories;  
 21.13 physical and mental health histories; and reasons for the child's placement.

21.14 **EFFECTIVE DATE.** This section is effective the day following final enactment.

21.15 Sec. 14. Minnesota Statutes 2016, section 260C.219, is amended to read:

21.16 **260C.219 AGENCY RESPONSIBILITIES FOR PARENTS AND CHILDREN IN**  
 21.17 **PLACEMENT.**

21.18 (a) When a child is in foster care, the responsible social services agency shall make  
 21.19 diligent efforts to identify, locate, and, where appropriate, offer services to both parents of  
 21.20 the child.

21.21 (1) The responsible social services agency shall assess whether a noncustodial or  
 21.22 nonadjudicated parent is willing and capable of providing for the day-to-day care of the  
 21.23 child temporarily or permanently. An assessment under this clause may include, but is not  
 21.24 limited to, obtaining information under section 260C.209. If after assessment, the responsible  
 21.25 social services agency determines that a noncustodial or nonadjudicated parent is willing  
 21.26 and capable of providing day-to-day care of the child, the responsible social services agency  
 21.27 may seek authority from the custodial parent or the court to have that parent assume  
 21.28 day-to-day care of the child. If a parent is not an adjudicated parent, the responsible social  
 21.29 services agency shall require the nonadjudicated parent to cooperate with paternity  
 21.30 establishment procedures as part of the case plan.

21.31 (2) If, after assessment, the responsible social services agency determines that the child  
 21.32 cannot be in the day-to-day care of either parent, the agency shall:

22.1 (i) prepare an out-of-home placement plan addressing the conditions that each parent  
22.2 must meet before the child can be in that parent's day-to-day care; and

22.3 (ii) provide a parent who is the subject of a background study under section 260C.209  
22.4 15 days' notice that it intends to use the study to recommend against putting the child with  
22.5 that parent, and the court shall afford the parent an opportunity to be heard concerning the  
22.6 study.

22.7 The results of a background study of a noncustodial parent shall not be used by the  
22.8 agency to determine that the parent is incapable of providing day-to-day care of the child  
22.9 unless the agency reasonably believes that placement of the child into the home of that  
22.10 parent would endanger the child's health, safety, or welfare.

22.11 (3) If, after the provision of services following an out-of-home placement plan under  
22.12 this section, the child cannot return to the care of the parent from whom the child was  
22.13 removed or who had legal custody at the time the child was placed in foster care, the agency  
22.14 may petition on behalf of a noncustodial parent to establish legal custody with that parent  
22.15 under section 260C.515, subdivision 4. If paternity has not already been established, it may  
22.16 be established in the same proceeding in the manner provided for under chapter 257.

22.17 (4) The responsible social services agency may be relieved of the requirement to locate  
22.18 and offer services to both parents by the juvenile court upon a finding of good cause after  
22.19 the filing of a petition under section 260C.141.

22.20 (b) The responsible social services agency shall give notice to the parent or guardian of  
22.21 each child in foster care, other than a child in voluntary foster care for treatment under  
22.22 chapter 260D, of the following information:

22.23 (1) that the child's placement in foster care may result in termination of parental rights  
22.24 or an order permanently placing the child out of the custody of the parent, but only after  
22.25 notice and a hearing as required under this chapter and the juvenile court rules;

22.26 (2) time limits on the length of placement and of reunification services, including the  
22.27 date on which the child is expected to be returned to and safely maintained in the home of  
22.28 the parent or parents or placed for adoption or otherwise permanently removed from the  
22.29 care of the parent by court order;

22.30 (3) the nature of the services available to the parent;

22.31 (4) the consequences to the parent and the child if the parent fails or is unable to use  
22.32 services to correct the circumstances that led to the child's placement;

22.33 (5) the first consideration for placement with relatives;

23.1 (6) the benefit to the child in getting the child out of foster care as soon as possible,  
23.2 preferably by returning the child home, but if that is not possible, through a permanent legal  
23.3 placement of the child away from the parent;

23.4 (7) when safe for the child, the benefits to the child and the parent of maintaining  
23.5 visitation with the child as soon as possible in the course of the case and, in any event,  
23.6 according to the visitation plan under this section; and

23.7 (8) the financial responsibilities and obligations, if any, of the parent or parents for the  
23.8 support of the child during the period the child is in foster care.

23.9 (c) The responsible social services agency shall inform a parent considering voluntary  
23.10 placement of a child under section 260C.227 of the following information:

23.11 (1) the parent and the child each has a right to separate legal counsel before signing a  
23.12 voluntary placement agreement, but not to counsel appointed at public expense;

23.13 (2) the parent is not required to agree to the voluntary placement, and a parent who enters  
23.14 a voluntary placement agreement may at any time request that the agency return the child.  
23.15 If the parent so requests, the child must be returned within 24 hours of the receipt of the  
23.16 request;

23.17 (3) evidence gathered during the time the child is voluntarily placed may be used at a  
23.18 later time as the basis for a petition alleging that the child is in need of protection or services  
23.19 or as the basis for a petition seeking termination of parental rights or other permanent  
23.20 placement of the child away from the parent;

23.21 (4) if the responsible social services agency files a petition alleging that the child is in  
23.22 need of protection or services or a petition seeking the termination of parental rights or other  
23.23 permanent placement of the child away from the parent, the parent would have the right to  
23.24 appointment of separate legal counsel and the child would have a right to the appointment  
23.25 of counsel and a guardian ad litem as provided by law, and that counsel will be appointed  
23.26 at public expense if they are unable to afford counsel; and

23.27 (5) the timelines and procedures for review of voluntary placements under section  
23.28 260C.212, subdivision 3, and the effect the time spent in voluntary placement on the  
23.29 scheduling of a permanent placement determination hearing under sections 260C.503 to  
23.30 260C.521.

23.31 (d) When an agency accepts a child for placement, the agency shall determine whether  
23.32 the child has had a physical examination by or under the direction of a licensed physician  
23.33 within the 12 months immediately preceding the date when the child came into the agency's

24.1 care. If there is documentation that the child has had an examination within the last 12  
 24.2 months, the agency is responsible for seeing that the child has another physical examination  
 24.3 within one year of the documented examination and annually in subsequent years. If the  
 24.4 agency determines that the child has not had a physical examination within the 12 months  
 24.5 immediately preceding placement, the agency shall ensure that the child has an examination  
 24.6 within 30 days of coming into the agency's care and once a year in subsequent years.

24.7 (e) Whether under state guardianship or not, if a child leaves foster care by reason of  
 24.8 having attained the age of majority under state law, the child must be given at no cost a  
 24.9 copy of the child's social and medical history, as defined in section ~~259.43~~ 260C.212,  
 24.10 subdivision 15, ~~and~~ including the child's health and education report.

24.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.

24.12 Sec. 15. Minnesota Statutes 2016, section 260C.503, subdivision 2, is amended to read:

24.13 Subd. 2. **Termination of parental rights.** (a) The responsible social services agency  
 24.14 must ask the county attorney to immediately file a termination of parental rights petition  
 24.15 when:

24.16 (1) the child has been subjected to egregious harm as defined in section 260C.007,  
 24.17 subdivision 14;

24.18 (2) the child is determined to be the sibling of a child who was subjected to egregious  
 24.19 harm;

24.20 (3) the child is an abandoned infant as defined in section 260C.301, subdivision 2,  
 24.21 paragraph (a), clause (2);

24.22 (4) the child's parent has lost parental rights to another child through an order involuntarily  
 24.23 terminating the parent's rights;

24.24 (5) the parent has committed sexual abuse as defined in section 626.556, subdivision 2,  
 24.25 against the child or another child of the parent;

24.26 (6) the parent has committed an offense that requires registration as a predatory offender  
 24.27 under section 243.166, subdivision 1b, paragraph (a) or (b); or

24.28 (7) another child of the parent is the subject of an order involuntarily transferring  
 24.29 permanent legal and physical custody of the child to a relative under this chapter or a similar  
 24.30 law of another jurisdiction;

24.31 The county attorney shall file a termination of parental rights petition unless the conditions  
 24.32 of paragraph (d) are met.

25.1 (b) When the termination of parental rights petition is filed under this subdivision, the  
 25.2 responsible social services agency shall identify, recruit, and approve an adoptive family  
 25.3 for the child. If a termination of parental rights petition has been filed by another party, the  
 25.4 responsible social services agency shall be joined as a party to the petition.

25.5 (c) If criminal charges have been filed against a parent arising out of the conduct alleged  
 25.6 to constitute egregious harm, the county attorney shall determine which matter should  
 25.7 proceed to trial first, consistent with the best interests of the child and subject to the  
 25.8 defendant's right to a speedy trial.

25.9 (d) The requirement of paragraph (a) does not apply if the responsible social services  
 25.10 agency and the county attorney determine and file with the court:

25.11 (1) a petition for transfer of permanent legal and physical custody to a relative under  
 25.12 sections 260C.505 and 260C.515, subdivision ~~3~~ 4, including a determination that adoption  
 25.13 is not in the child's best interests and that transfer of permanent legal and physical custody  
 25.14 is in the child's best interests; or

25.15 (2) a petition under section 260C.141 alleging the child, and where appropriate, the  
 25.16 child's siblings, to be in need of protection or services accompanied by a case plan prepared  
 25.17 by the responsible social services agency documenting a compelling reason why filing a  
 25.18 termination of parental rights petition would not be in the best interests of the child.

25.19 **EFFECTIVE DATE.** This section is effective the day following final enactment.

25.20 Sec. 16. Minnesota Statutes 2016, section 260C.515, subdivision 4, is amended to read:

25.21 Subd. 4. **Custody to relative.** The court may order permanent legal and physical custody  
 25.22 to a fit and willing relative in the best interests of the child according to the following  
 25.23 requirements:

25.24 (1) an order for transfer of permanent legal and physical custody to a relative shall only  
 25.25 be made after the court has reviewed the suitability of the prospective legal and physical  
 25.26 custodian;

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

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

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

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

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

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

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

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

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

26.25 (iv) there are reasons to separate siblings during placement, if applicable; The court  
26.26 may find there is a reason to separate siblings when the court finds both (A) that the  
26.27 responsible social services agency made reasonable efforts to place siblings together and  
26.28 (B) that placing siblings together is not in the best interest of one or more of the siblings;

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

26.32 (9) the court may finalize a permanent transfer of physical and legal custody to a relative  
26.33 regardless of eligibility for Northstar kinship assistance under chapter 256N; ~~and~~

27.1 (10) the juvenile court may maintain jurisdiction over the responsible social services  
 27.2 agency, the parents or guardian of the child, the child, and the permanent legal and physical  
 27.3 custodian for purposes of ensuring appropriate services are delivered to the child and  
 27.4 permanent legal custodian for the purpose of ensuring conditions ordered by the court related  
 27.5 to the care and custody of the child are met; and

27.6 (11) after finalization of the permanent transfer of physical and legal custody to a relative  
 27.7 who is not a parent, the court administrator must mail a copy of the final order to the  
 27.8 commissioner of human services.

27.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.

27.10 Sec. 17. Minnesota Statutes 2016, section 260C.605, subdivision 1, is amended to read:

27.11 Subdivision 1. **Requirements.** (a) Reasonable efforts to finalize the adoption of a child  
 27.12 under the guardianship of the commissioner shall be made by the responsible social services  
 27.13 agency responsible for permanency planning for the child.

27.14 (b) Reasonable efforts to make a placement in a home according to the placement  
 27.15 considerations under section 260C.212, subdivision 2, with a relative or foster parent who  
 27.16 will commit to being the permanent resource for the child in the event the child cannot be  
 27.17 reunified with a parent are required under section 260.012 and may be made concurrently  
 27.18 with reasonable, or if the child is an Indian child, active efforts to reunify the child with the  
 27.19 parent.

27.20 (c) Reasonable efforts under paragraph (b) must begin as soon as possible when the  
 27.21 child is in foster care under this chapter, but not later than the hearing required under section  
 27.22 260C.204.

27.23 (d) Reasonable efforts to finalize the adoption of the child include, but are not limited  
 27.24 to:

27.25 (1) using age-appropriate engagement strategies to plan for adoption with the child;

27.26 ~~(2) identifying an appropriate prospective adoptive parent for the child by~~ updating the  
 27.27 child's identified needs using the factors in section 260C.212, subdivision 2;

27.28 ~~(3) making an adoptive placement that meets the child's needs by:~~

27.29 ~~(i)~~ completing or updating the relative search required under section 260C.221 and giving  
 27.30 notice of the need for an adoptive home for the child to a child's relative who:

27.31 ~~(A)~~ (i) relatives who have kept the agency or the court apprised of ~~their~~ the relative's  
 27.32 whereabouts and who ~~have~~ indicated an interest in adopting the child; or

28.1 ~~(B)~~ (ii) ~~relatives of the child who are~~ is located in an updated search; ~~(ii)~~ An updated  
 28.2 search is required whenever:

28.3 (A) there is no identified prospective adoptive placement for the child notwithstanding  
 28.4 a finding by the court that the agency made diligent efforts under section 260C.221, in a  
 28.5 hearing required under section 260C.202;

28.6 (B) the child is removed from the home of an adopting parent; or

28.7 (C) the court determines a relative search by the agency is in the best interests of the  
 28.8 child;

28.9 ~~(iii)~~ (4) engaging the child's foster parent and the child's ~~relatives~~ relative identified as  
 28.10 an adoptive resource during the search conducted under section 260C.221, to commit to  
 28.11 being the prospective adoptive parent of the child; ~~or~~

28.12 ~~(iv)~~ (5) when there is no identified prospective adoptive parent:

28.13 ~~(A)~~ (i) registering the child on the state adoption exchange as required in section 259.75  
 28.14 unless the agency documents to the court an exception to placing the child on the state  
 28.15 adoption exchange reported to the commissioner;

28.16 ~~(B)~~ (ii) reviewing all families with approved adoption home studies associated with the  
 28.17 responsible social services agency;

28.18 ~~(C)~~ (iii) presenting the child to adoption agencies and adoption personnel who may assist  
 28.19 with finding an adoptive home for the child;

28.20 ~~(D)~~ (iv) using ~~newspapers and other media~~ as appropriate to promote the particular child;

28.21 ~~(E)~~ (v) using a private agency under grant contract with the commissioner to provide  
 28.22 adoption services for intensive child-specific recruitment efforts; and

28.23 ~~(F)~~ (vi) making any other efforts or using any other resources reasonably calculated to  
 28.24 identify a prospective adoption parent for the child;

28.25 ~~(4)~~ (6) updating and completing the social and medical history required under sections  
 28.26 ~~259.43~~ 260C.212, subdivision 15, and 260C.609;

28.27 ~~(5)~~ (7) making, and keeping updated, appropriate referrals required by section 260.851,  
 28.28 the Interstate Compact on the Placement of Children;

28.29 ~~(6)~~ (8) giving notice regarding the responsibilities of an adoptive parent to any prospective  
 28.30 adoptive parent as required under section ~~259.35~~ 260C.611, paragraph (b);

29.1 ~~(7)~~ (9) offering the adopting parent the opportunity to apply for or decline adoption  
 29.2 assistance under chapter ~~259A~~ 256N;

29.3 ~~(8)~~ (10) certifying the child for adoption assistance, assessing the amount of adoption  
 29.4 assistance, and ascertaining the status of the commissioner's decision on the level of payment  
 29.5 if the adopting parent has applied for adoption assistance;

29.6 ~~(9)~~ (11) placing the child with siblings. If the child is not placed with siblings, the agency  
 29.7 must document reasonable efforts to place the siblings together, as well as the reason for  
 29.8 separation. The agency may not cease reasonable efforts to place siblings together for final  
 29.9 adoption until the court finds further reasonable efforts would be futile or that placement  
 29.10 together for purposes of adoption is not in the best interests of one of the siblings; and

29.11 ~~(10)~~ (12) working with the adopting parent to file a petition to adopt the child and with  
 29.12 the court administrator to obtain a timely hearing to finalize the adoption.

29.13 **EFFECTIVE DATE.** This section is effective the day following final enactment.

29.14 Sec. 18. Minnesota Statutes 2016, section 260C.607, subdivision 6, is amended to read:

29.15 Subd. 6. **Motion and hearing to order adoptive placement.** (a) At any time after the  
 29.16 district court orders the child under the guardianship of the commissioner of human services,  
 29.17 but not later than 30 days after receiving notice required under section 260C.613, subdivision  
 29.18 1, paragraph (c), that the agency has made an adoptive placement, a relative or the child's  
 29.19 foster parent may file a motion for an order for adoptive placement of a child who is under  
 29.20 the guardianship of the commissioner if the relative or the child's foster parent:

29.21 (1) has an adoption home study under section ~~259.41~~ 260C.611 approving the relative  
 29.22 or foster parent for adoption and has been a resident of Minnesota for at least six months  
 29.23 before filing the motion; the court may waive the residency requirement for the moving  
 29.24 party if there is a reasonable basis to do so; or

29.25 (2) is not a resident of Minnesota, but has an approved adoption home study by an agency  
 29.26 licensed or approved to complete an adoption home study in the state of the individual's  
 29.27 residence and the study is filed with the motion for adoptive placement.

29.28 (b) The motion shall be filed with the court conducting reviews of the child's progress  
 29.29 toward adoption under this section. The motion and supporting documents must make a  
 29.30 prima facie showing that the agency has been unreasonable in failing to make the requested  
 29.31 adoptive placement. The motion must be served according to the requirements for motions  
 29.32 under the Minnesota Rules of Juvenile Protection Procedure and shall be made on all  
 29.33 individuals and entities listed in subdivision 2.

30.1 (c) If the motion and supporting documents do not make a prima facie showing for the  
30.2 court to determine whether the agency has been unreasonable in failing to make the requested  
30.3 adoptive placement, the court shall dismiss the motion. If the court determines a prima facie  
30.4 basis is made, the court shall set the matter for evidentiary hearing.

30.5 (d) At the evidentiary hearing, the responsible social services agency shall proceed first  
30.6 with evidence about the reason for not making the adoptive placement proposed by the  
30.7 moving party. The moving party then has the burden of proving by a preponderance of the  
30.8 evidence that the agency has been unreasonable in failing to make the adoptive placement.

30.9 (e) At the conclusion of the evidentiary hearing, if the court finds that the agency has  
30.10 been unreasonable in failing to make the adoptive placement and that the relative or the  
30.11 child's foster parent is the most suitable adoptive home to meet the child's needs using the  
30.12 factors in section 260C.212, subdivision 2, paragraph (b), the court may order the responsible  
30.13 social services agency to make an adoptive placement in the home of the relative or the  
30.14 child's foster parent.

30.15 (f) If, in order to ensure that a timely adoption may occur, the court orders the responsible  
30.16 social services agency to make an adoptive placement under this subdivision, the agency  
30.17 shall:

30.18 (1) make reasonable efforts to obtain a fully executed adoption placement agreement;

30.19 (2) work with the moving party regarding eligibility for adoption assistance as required  
30.20 under chapter ~~259A~~ 256N; and

30.21 (3) if the moving party is not a resident of Minnesota, timely refer the matter for approval  
30.22 of the adoptive placement through the Interstate Compact on the Placement of Children.

30.23 (g) Denial or granting of a motion for an order for adoptive placement after an evidentiary  
30.24 hearing is an order which may be appealed by the responsible social services agency, the  
30.25 moving party, the child, when age ten or over, the child's guardian ad litem, and any  
30.26 individual who had a fully executed adoption placement agreement regarding the child at  
30.27 the time the motion was filed if the court's order has the effect of terminating the adoption  
30.28 placement agreement. An appeal shall be conducted according to the requirements of the  
30.29 Rules of Juvenile Protection Procedure.

30.30 **EFFECTIVE DATE.** This section is effective the day following final enactment.

30.31 Sec. 19. Minnesota Statutes 2016, section 260C.609, is amended to read:

30.32 **260C.609 SOCIAL AND MEDICAL HISTORY.**

31.1 ~~(a) The responsible social services agency shall work with the birth family of the child,~~  
 31.2 ~~foster family, medical and treatment providers, and the child's school to ensure there is a~~  
 31.3 ~~detailed, thorough, and currently up-to-date social and medical history of the child as required~~  
 31.4 ~~under section 259.43 on the forms required by the commissioner.~~

31.5 ~~(b) When the child continues in foster care, the agency's reasonable efforts to complete~~  
 31.6 ~~the history shall begin no later than the permanency progress review hearing required under~~  
 31.7 ~~section 260C.204 or six months after the child's placement in foster care.~~

31.8 ~~(e)~~ (a) The agency shall thoroughly discuss the child's history with the adopting parent  
 31.9 of the child and shall give a redacted copy of the report of the child's social and medical  
 31.10 history as defined in section 260C.212, subdivision 15, to the adopting parent. A redacted  
 31.11 copy of the child's social and medical history may also be given to the child, ~~as appropriate~~  
 31.12 according to section 260C.212, subdivision 1.

31.13 ~~(d)~~ (b) The report shall not include information that identifies birth relatives. Redacted  
 31.14 copies of all the child's relevant evaluations, assessments, and records must be attached to  
 31.15 the social and medical history.

31.16 (c) The agency must submit the child's social and medical history to the Department of  
 31.17 Human Services when an adoptive placement is made and the history must be filed with  
 31.18 the court when the adoption petition is filed.

31.19 **EFFECTIVE DATE.** This section is effective the day following final enactment.

31.20 Sec. 20. Minnesota Statutes 2016, section 260C.611, is amended to read:

31.21 **260C.611 ADOPTION STUDY REQUIRED.**

31.22 (a) An adoption study under section 259.41 approving placement of the child in the  
 31.23 home of the prospective adoptive parent shall be completed before placing any child under  
 31.24 the guardianship of the commissioner in a home for adoption. If a prospective adoptive  
 31.25 parent has a current child foster care license under chapter 245A and is seeking to adopt a  
 31.26 foster child who is placed in the prospective adoptive parent's home and is under the  
 31.27 guardianship of the commissioner according to section 260C.325, subdivision 1, the child  
 31.28 foster care home study meets the requirements of this section for an approved adoption  
 31.29 home study if:

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

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

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

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

32.9 (b) Before investigating the suitability of a prospective adoptive parent for a child under  
32.10 guardianship of the commissioner, a child-placing agency shall give the prospective adoptive  
32.11 parent the following written notice in all capital letters at least one-eighth inch high:  
32.12 "Minnesota Statutes, section 260C.635, provides that upon legally adopting a child under  
32.13 guardianship of the commissioner, an adoptive parent assumes all the rights and  
32.14 responsibilities of a birth parent. The responsibilities include providing for the child's  
32.15 financial support and caring for the child's health and emotional and behavioral problems.  
32.16 Except for a subsidized adoption under Minnesota Statutes, chapter 256N, or any other  
32.17 provision of law that expressly applies to an adoptive parent and child, an adoptive parent  
32.18 is not eligible for state or federal financial subsidies aside from those that a birth parent  
32.19 would be eligible to receive for a child. An adoptive parent may not terminate the adoptive  
32.20 parent's parental rights to a legally adopted child for a reason that would not apply to a birth  
32.21 parent seeking to terminate rights to a child."

32.22 ~~(b)~~ (c) If a prospective adoptive parent has previously held a foster care license or  
32.23 adoptive home study, any update necessary to the foster care license, or updated or new  
32.24 adoptive home study, if not completed by the licensing authority responsible for the previous  
32.25 license or home study, shall include collateral information from the previous licensing or  
32.26 approving agency, if available.

32.27 **EFFECTIVE DATE.** This section is effective the day following final enactment.

32.28 Sec. 21. Minnesota Statutes 2016, section 260C.613, subdivision 6, is amended to read:

32.29 Subd. 6. **Death notification.** (a) The agency shall inform the adoptive parents that the  
32.30 adoptive parents of an adopted child under age 19 or an adopted person age 19 or older may  
32.31 maintain a current address on file with the agency and indicate a desire to be notified if the  
32.32 agency receives information of the death of a birth parent. The agency shall notify birth  
32.33 parents of the child's death and the cause of death, if known, provided that the birth parents

33.1 desire notice and maintain current addresses on file with the agency. The agency shall inform  
 33.2 birth parents entitled to notice under section ~~259.27~~ 259.49 that they may designate  
 33.3 individuals to notify the agency if a birth parent dies and that the agency receiving  
 33.4 information of the birth parent's death will share the information with adoptive parents, if  
 33.5 the adopted person is under age 19, or an adopted person age 19 or older who has indicated  
 33.6 a desire to be notified of the death of a birth parent and who maintains a current address on  
 33.7 file with the agency.

33.8 (b) Notice to a birth parent that a child has died or to the adoptive parents or an adopted  
 33.9 person age 19 or older that a birth parent has died shall be provided by an employee of the  
 33.10 agency through personal and confidential contact, but not by mail.

33.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.

33.12 Sec. 22. Minnesota Statutes 2016, section 260C.615, subdivision 1, is amended to read:

33.13 Subdivision 1. **Duties.** (a) For any child who is under the guardianship of the  
 33.14 commissioner, the commissioner has the exclusive rights to consent to:

33.15 (1) the medical care plan for the treatment of a child who is at imminent risk of death  
 33.16 or who has a chronic disease that, in a physician's judgment, will result in the child's death  
 33.17 in the near future including a physician's order not to resuscitate or intubate the child; and

33.18 (2) the child donating a part of the child's body to another person while the child is living;  
 33.19 the decision to donate a body part under this clause shall take into consideration the child's  
 33.20 wishes and the child's culture.

33.21 (b) In addition to the exclusive rights under paragraph (a), the commissioner has a duty  
 33.22 to:

33.23 (1) process any complete and accurate request for home study and placement through  
 33.24 the Interstate Compact on the Placement of Children under section 260.851;

33.25 (2) process any complete and accurate application for adoption assistance forwarded by  
 33.26 the responsible social services agency according to ~~chapter~~ chapters 256N and 259A;

33.27 (3) ~~complete the execution of~~ review and process an adoption placement agreement  
 33.28 forwarded to the commissioner by the responsible social services agency and return it to  
 33.29 the agency in a timely fashion; and

33.30 (4) maintain records as required in chapter 259.

33.31 **EFFECTIVE DATE.** This section is effective the day following final enactment.

34.1 Sec. 23. Minnesota Statutes 2016, section 260C.623, subdivision 4, is amended to read:

34.2 Subd. 4. **Attachments to the petition.** The following must be filed with the petition:

34.3 (1) the adoption study report required under section ~~259.41~~ 260C.611;

34.4 (2) the social and medical history required under ~~sections 259.43 and~~ section 260C.609;

34.5 and

34.6 (3) a document prepared by the petitioner that establishes who must be given notice  
34.7 under section 260C.627, subdivision 1, that includes the names and mailing addresses of  
34.8 those to be served by the court administrator.

34.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.

34.10 Sec. 24. Minnesota Statutes 2016, section 260C.625, is amended to read:

34.11 **260C.625 DOCUMENTS FILED BY SOCIAL SERVICES AGENCY.**

34.12 (a) The following shall be filed with the court by the responsible social services agency  
34.13 prior to finalization of the adoption:

34.14 (1) ~~a certified~~ an electronic copy of the child's certified birth record;

34.15 (2) ~~a certified~~ an electronic copy of the certified findings and order terminating parental  
34.16 rights or order accepting the parent's consent to adoption under section 260C.515, subdivision  
34.17 3, and for guardianship to the commissioner;

34.18 (3) a copy of any communication or contact agreement under section 260C.619;

34.19 (4) certification that the Minnesota Fathers' Adoption Registry has been searched which  
34.20 requirement may be met according to the requirements of the Minnesota Rules of Adoption  
34.21 Procedure, Rule 32.01, subdivision 2;

34.22 (5) an electronic copy of the original of each consent to adoption required, if any, unless  
34.23 the original was filed in the permanency proceeding conducted under section 260C.515,  
34.24 subdivision 3, and the order filed under clause (2) has a copy of the consent attached; and

34.25 (6) the postplacement assessment report required under section 259.53, subdivision 2.

34.26 (b) The responsible social services agency shall provide any known aliases of the child  
34.27 to the court.

34.28 **EFFECTIVE DATE.** This section is effective the day following final enactment.

35.1 Sec. 25. Minnesota Statutes 2016, section 260C.629, subdivision 2, is amended to read:

35.2 Subd. 2. **Required documents.** In order to issue a decree for adoption and enter judgment  
35.3 accordingly, the court must have the following documents in the record:

35.4 (1) an electronic copy of the original birth record of the child;

35.5 (2) an adoption study report including a background study required under section ~~259.41~~  
35.6 260C.611;

35.7 (3) ~~a~~ an electronic copy of the certified copy of the findings and order terminating parental  
35.8 rights or order accepting the parent's consent to adoption under section 260C.515, subdivision  
35.9 3, and for guardianship to the commissioner;

35.10 (4) any consents required under subdivision 1;

35.11 (5) the child's social and medical history under section 260C.609;

35.12 (6) the postplacement assessment report required under section 259.53, subdivision 2,  
35.13 unless waived by the court on the record at a hearing under section 260C.607; and

35.14 (7) a report from the child's guardian ad litem.

35.15 **EFFECTIVE DATE.** This section is effective the day following final enactment.

35.16 Sec. 26. **[518.181] MOTION TO TRANSFER TO TRIBAL COURT.**

35.17 Subdivision 1. **Definitions.** (a) For purposes of this section, the terms defined have the  
35.18 meanings given them.

35.19 (b) "Case participant" means a party to the case that is a natural person.

35.20 (c) "District court" means a district court of the state of Minnesota.

35.21 (d) "Party" means a person or entity named or admitted as a party or seeking to be  
35.22 admitted as a party in the district court action, including the county IV-D agency, whether  
35.23 or not named in the caption.

35.24 (e) "Tribal court" means a tribal court of a federally recognized Indian tribe located in  
35.25 Minnesota that is receiving funding from the federal government to operate a child support  
35.26 program under United States Code, title 42, chapter 7, subchapter IV, part D, sections 654  
35.27 to 669b.

35.28 (f) "Tribal IV-D agency" has the meaning given to "tribal IV-D agency" in Code of  
35.29 Federal Regulations, title 45, part 309.05.

36.1 (g) "Title IV-D child support case" has the meaning given to "IV-D case" in section  
36.2 518A.26, subdivision 10.

36.3 Subd. 2. **Actions eligible for transfer.** For purposes of this section, a postjudgment  
36.4 child support, custody, or parenting time action is eligible for transfer to tribal court. A child  
36.5 protection action or a dissolution action involving a child is not eligible for transfer to tribal  
36.6 court pursuant to this section.

36.7 Subd. 3. **Motion to transfer.** (a) A party's or tribal IV-D agency's motion to transfer to  
36.8 tribal court shall state and allege:

36.9 (1) the address of each case participant;

36.10 (2) the tribal affiliation of each case participant, if any;

36.11 (3) the name, tribal affiliation, if any, and date of birth of each living minor or dependent  
36.12 child of a case participant who is subject to the action; and

36.13 (4) the legal and factual basis for the court to make a finding that there is concurrent  
36.14 jurisdiction in the case.

36.15 (b) A party or tribal IV-D agency bringing a motion to transfer to tribal court must file  
36.16 with the court and serve the required documents on each party and the tribal IV-D agency,  
36.17 regardless of whether the tribal IV-D agency is a party.

36.18 (c) A party's or tribal IV-D agency's motion to transfer must be accompanied by an  
36.19 affidavit setting forth facts in support of its motion.

36.20 (d) When a motion to transfer is not brought by the tribal IV-D agency, the tribal IV-D  
36.21 agency must file with the court and serve on each party an affidavit within 15 days from  
36.22 the date of service of the motion stating whether the tribal IV-D agency provides services  
36.23 to a party.

36.24 Subd. 4. **Order to transfer to tribal court.** (a) Except as provided in subdivision 6,  
36.25 upon motion of a party or a tribal IV-D agency, a district court must transfer a postjudgment  
36.26 child support, custody, or parenting time action to a tribal court when the district court finds:

36.27 (1) the district court and tribal court have concurrent jurisdiction;

36.28 (2) a case participant is receiving services from the tribal IV-D agency; and

36.29 (3) no party or tribal IV-D agency files and serves a timely objection to the transfer.

37.1 (b) When the requirements of this subdivision are satisfied, the district court is not  
37.2 required to hold a hearing. The district court's order transferring the action to tribal court  
37.3 must contain written findings on each requirement of this subdivision.

37.4 Subd. 5. **Objection to motion to transfer.** (a) To object to a motion to transfer to a  
37.5 tribal court, a party or tribal IV-D agency must file with the court and serve on each party  
37.6 and the tribal IV-D agency a responsive motion objecting to the motion to transfer within  
37.7 30 days from the date of service of the motion to transfer.

37.8 (b) If a party or tribal IV-D agency files with the court and properly serves a timely  
37.9 objection to the motion to transfer to a tribal court, the district court must conduct a hearing.

37.10 Subd. 6. **Hearing.** If a hearing is held under this section, the district court must evaluate  
37.11 and make written findings on all relevant factors, including:

37.12 (1) whether an issue requires interpretation of tribal law, including the tribal constitution,  
37.13 statutes, bylaws, ordinances, resolutions, treaties, or case law;

37.14 (2) whether the action involves tribal traditional or cultural matters;

37.15 (3) whether the tribe is a party;

37.16 (4) whether tribal sovereignty, jurisdiction, or territory is an issue;

37.17 (5) the tribal membership status of each case participant;

37.18 (6) where the claim arises;

37.19 (7) the location of the residence of each case participant and the child;

37.20 (8) whether the parties have by contract chosen a forum or the law to be applied in the  
37.21 event of a dispute;

37.22 (9) the timing of any motion to transfer to tribal court, considering each party's and the  
37.23 court's expenditure of time and resources, and the district court's scheduling order;

37.24 (10) the court in which the action can be heard and decided most expeditiously;

37.25 (11) the burdens on each party, including cost, access to and admissibility of evidence,  
37.26 and matters of procedure; and

37.27 (12) any other factor the court determines relevant.

37.28 Subd. 7. **Future exercise of jurisdiction.** Nothing in this section shall be construed to  
37.29 limit the district court's exercise of jurisdiction where the tribal court waives jurisdiction,  
37.30 transfers the action back to district court, or otherwise declines to exercise jurisdiction over  
37.31 the action.

38.1 Subd. 8. Transfer to Red Lake Nation Tribal Court. When a party or tribal IV-D  
38.2 agency brings a motion to transfer to the Red Lake Nation Tribal Court, the court must  
38.3 transfer the action if the case participants and child resided within the boundaries of the  
38.4 Red Lake Reservation for the preceding six months.

38.5 EFFECTIVE DATE. This section is effective the day following final enactment.

38.6 Sec. 27. Minnesota Statutes 2016, section 518A.41, subdivision 4, is amended to read:

38.7 Subd. 4. **Ordering health care coverage.** (a) If a joint child is presently enrolled in  
38.8 health care coverage, the court must order that the parent who currently has the joint child  
38.9 enrolled continue that enrollment unless the parties agree otherwise or a party requests a  
38.10 change in coverage and the court determines that other health care coverage is more  
38.11 appropriate.

38.12 (b) If a joint child is not presently enrolled in health care coverage providing medical  
38.13 benefits, upon motion of a parent or the public authority, the court must determine whether  
38.14 one or both parents have appropriate health care coverage providing medical benefits for  
38.15 the joint child.

38.16 (c) If only one parent has appropriate health care coverage providing medical benefits  
38.17 available, the court must order that parent to carry the coverage for the joint child.

38.18 (d) If both parents have appropriate health care coverage providing medical benefits  
38.19 available, the court must order the parent with whom the joint child resides to carry the  
38.20 coverage for the joint child, unless:

38.21 (1) a party expresses a preference for health care coverage providing medical benefits  
38.22 available through the parent with whom the joint child does not reside;

38.23 (2) the parent with whom the joint child does not reside is already carrying dependent  
38.24 health care coverage providing medical benefits for other children and the cost of contributing  
38.25 to the premiums of the other parent's coverage would cause the parent with whom the joint  
38.26 child does not reside extreme hardship; or

38.27 (3) the parties agree as to which parent will carry health care coverage providing medical  
38.28 benefits and agree on the allocation of costs.

38.29 (e) If the exception in paragraph (d), clause (1) or (2), applies, the court must determine  
38.30 which parent has the most appropriate coverage providing medical benefits available and  
38.31 order that parent to carry coverage for the joint child.

39.1 (f) If neither parent has appropriate health care coverage available, the court must order  
39.2 the parents to:

39.3 (1) contribute toward the actual health care costs of the joint children based on a pro  
39.4 rata share; or

39.5 (2) if the joint child is receiving any form of public coverage, the parent with whom the  
39.6 joint child does not reside shall contribute a monthly amount toward the actual cost of public  
39.7 coverage. The amount of the noncustodial parent's contribution is determined by applying  
39.8 the noncustodial parent's PICS to the premium scale for MinnesotaCare under section  
39.9 256L.15, subdivision 2, paragraph (d). If the noncustodial parent's PICS meets the eligibility  
39.10 requirements for MinnesotaCare, the contribution is the amount the noncustodial parent  
39.11 would pay for the child's premium. If the noncustodial parent's PICS exceeds the eligibility  
39.12 requirements, the contribution is the amount of the premium for the highest eligible income  
39.13 on the premium scale for MinnesotaCare under section 256L.15, subdivision 2, paragraph  
39.14 (d). For purposes of determining the premium amount, the noncustodial parent's household  
39.15 size is equal to one parent plus the child or children who are the subject of the child support  
39.16 order. The custodial parent's obligation is determined under the requirements for public  
39.17 coverage as set forth in chapter 256B; or

39.18 (3) if the noncustodial parent's PICS meet the eligibility requirement for public coverage  
39.19 under chapter 256B or the noncustodial parent receives public ~~assistance~~ coverage, the  
39.20 noncustodial parent must not be ordered to contribute toward the cost of public coverage.

39.21 (g) If neither parent has appropriate health care coverage available, the court may order  
39.22 the parent with whom the child resides to apply for public coverage for the child.

39.23 (h) The commissioner of human services must publish a table with the premium schedule  
39.24 for public coverage and update the chart for changes to the schedule by July 1 of each year.

39.25 (i) If a joint child is not presently enrolled in health care coverage providing dental  
39.26 benefits, upon motion of a parent or the public authority, the court must determine whether  
39.27 one or both parents have appropriate dental health care coverage for the joint child, and the  
39.28 court may order a parent with appropriate dental health care coverage available to carry the  
39.29 coverage for the joint child.

39.30 (j) If a joint child is not presently enrolled in available health care coverage providing  
39.31 benefits other than medical benefits or dental benefits, upon motion of a parent or the public  
39.32 authority, the court may determine whether that other health care coverage for the joint  
39.33 child is appropriate, and the court may order a parent with that appropriate health care  
39.34 coverage available to carry the coverage for the joint child.

40.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.

40.2 Sec. 28. Minnesota Statutes 2016, section 518A.685, is amended to read:

40.3 **518A.685 CONSUMER REPORTING AGENCY; REPORTING ARREARS.**

40.4 (a) If a public authority determines that an obligor has not paid the current monthly  
40.5 support obligation plus any required arrearage payment for three months, the public authority  
40.6 must report this information to a consumer reporting agency.

40.7 (b) Before reporting that an obligor is in arrears for court-ordered child support, the  
40.8 public authority must:

40.9 (1) provide written notice to the obligor that the public authority intends to report the  
40.10 arrears to a consumer reporting agency; and

40.11 (2) mail the written notice to the obligor's last known mailing address at least 30 days  
40.12 before the public authority reports the arrears to a consumer reporting agency.

40.13 (c) The obligor may, within 21 days of receipt of the notice, do the following to prevent  
40.14 the public authority from reporting the arrears to a consumer reporting agency:

40.15 (1) pay the arrears in full; or

40.16 (2) request an administrative review. An administrative review is limited to issues of  
40.17 mistaken identity, a pending legal action involving the arrears, or an incorrect arrears balance.

40.18 ~~(d) If the public authority has reported that an obligor is in arrears for court-ordered  
40.19 child support and subsequently determines that the obligor has paid the court-ordered child  
40.20 support arrears in full, or is paying the current monthly support obligation plus any required  
40.21 arrearage payment, the public authority must report to the consumer reporting agency that  
40.22 the obligor is currently paying child support as ordered by the court.~~

40.23 ~~(e)~~ (d) A public authority that reports arrearage information under this section must  
40.24 make monthly reports to a consumer reporting agency. The monthly report must be consistent  
40.25 with credit reporting industry standards for child support.

40.26 ~~(f)~~ (e) For purposes of this section, "consumer reporting agency" has the meaning given  
40.27 in section 13C.001, subdivision 4, and United States Code, title 15, section 1681a(f).

40.28 **EFFECTIVE DATE.** This section is effective the day following final enactment.

41.1 Sec. 29. Minnesota Statutes 2016, section 626.556, subdivision 2, is amended to read:

41.2 Subd. 2. **Definitions.** As used in this section, the following terms have the meanings  
41.3 given them unless the specific content indicates otherwise:

41.4 (a) "Accidental" means a sudden, not reasonably foreseeable, and unexpected occurrence  
41.5 or event which:

41.6 (1) is not likely to occur and could not have been prevented by exercise of due care; and

41.7 (2) if occurring while a child is receiving services from a facility, happens when the  
41.8 facility and the employee or person providing services in the facility are in compliance with  
41.9 the laws and rules relevant to the occurrence or event.

41.10 (b) "Commissioner" means the commissioner of human services.

41.11 (c) "Facility" means:

41.12 (1) a licensed or unlicensed day care facility or provider, residential facility, agency,  
41.13 hospital, sanitarium, or other facility or institution required to be licensed under sections  
41.14 144.50 to 144.58, 241.021, or 245A.01 to 245A.16, or chapter 245D;

41.15 (2) a school as defined in section 120A.05, subdivisions 9, 11, and 13; and chapter 124E;  
41.16 or

41.17 (3) a nonlicensed personal care provider organization as defined in section ~~256B.0625,~~  
41.18 ~~subdivision 19a~~ 256B.0659.

41.19 (d) "Family assessment" means a comprehensive assessment of child safety, risk of  
41.20 subsequent child maltreatment, and family strengths and needs that is applied to a child  
41.21 maltreatment report that does not allege sexual abuse or substantial child endangerment.  
41.22 Family assessment does not include a determination as to whether child maltreatment  
41.23 occurred but does determine the need for services to address the safety of family members  
41.24 and the risk of subsequent maltreatment.

41.25 (e) "Investigation" means fact gathering related to the current safety of a child and the  
41.26 risk of subsequent maltreatment that determines whether child maltreatment occurred and  
41.27 whether child protective services are needed. An investigation must be used when reports  
41.28 involve sexual abuse or substantial child endangerment, and for reports of maltreatment in  
41.29 facilities required to be licensed under chapter 245A or 245D; under sections 144.50 to  
41.30 144.58 and 241.021; in a school as defined in section 120A.05, subdivisions 9, 11, and 13,  
41.31 and chapter 124E; or in a nonlicensed personal care provider association as defined in section  
41.32 ~~256B.0625, subdivision 19a~~ 256B.0659.

42.1 (f) "Mental injury" means an injury to the psychological capacity or emotional stability  
42.2 of a child as evidenced by an observable or substantial impairment in the child's ability to  
42.3 function within a normal range of performance and behavior with due regard to the child's  
42.4 culture.

42.5 (g) "Neglect" means the commission or omission of any of the acts specified under  
42.6 clauses (1) to ~~(9)~~ (10), other than by accidental means:

42.7 (1) failure by a person responsible for a child's care to supply a child with necessary  
42.8 food, clothing, shelter, health, medical, or other care required for the child's physical or  
42.9 mental health when reasonably able to do so;

42.10 (2) failure to protect a child from conditions or actions that seriously endanger the child's  
42.11 physical or mental health when reasonably able to do so, including a growth delay, which  
42.12 may be referred to as a failure to thrive, that has been diagnosed by a physician and is due  
42.13 to parental neglect;

42.14 (3) failure to provide for necessary supervision or child care arrangements appropriate  
42.15 for a child after considering factors as the child's age, mental ability, physical condition,  
42.16 length of absence, or environment, when the child is unable to care for the child's own basic  
42.17 needs or safety, or the basic needs or safety of another child in their care;

42.18 (4) failure to ensure that the child is educated as defined in sections 120A.22 and  
42.19 260C.163, subdivision 11, which does not include a parent's refusal to provide the parent's  
42.20 child with sympathomimetic medications, consistent with section 125A.091, subdivision  
42.21 5;

42.22 (5) nothing in this section shall be construed to mean that a child is neglected solely  
42.23 because the child's parent, guardian, or other person responsible for the child's care in good  
42.24 faith selects and depends upon spiritual means or prayer for treatment or care of disease or  
42.25 remedial care of the child in lieu of medical care; except that a parent, guardian, or caretaker,  
42.26 or a person mandated to report pursuant to subdivision 3, has a duty to report if a lack of  
42.27 medical care may cause serious danger to the child's health. This section does not impose  
42.28 upon persons, not otherwise legally responsible for providing a child with necessary food,  
42.29 clothing, shelter, education, or medical care, a duty to provide that care;

42.30 (6) prenatal exposure to alcohol or a controlled substance, as defined in section 253B.02,  
42.31 subdivision 2, used by the mother for a nonmedical purpose, as evidenced by withdrawal  
42.32 symptoms in the child at birth, results of a toxicology test performed on the mother at  
42.33 delivery or the child at birth, medical effects or developmental delays during the child's first

43.1 year of life that medically indicate prenatal exposure to a controlled substance, or the  
43.2 presence of a fetal alcohol spectrum disorder;

43.3 (7) "medical neglect" as defined in section 260C.007, subdivision 6, clause (5);

43.4 (8) chronic and severe use of alcohol or a controlled substance by a parent or person  
43.5 responsible for the care of the child that adversely affects the child's basic needs and safety;  
43.6 ~~or~~

43.7 (9) emotional harm from a pattern of behavior which contributes to impaired emotional  
43.8 functioning of the child which may be demonstrated by a substantial and observable effect  
43.9 in the child's behavior, emotional response, or cognition that is not within the normal range  
43.10 for the child's age and stage of development, with due regard to the child's culture; or

43.11 (10) abandonment of the child exhibited when a parent or person responsible for a child's  
43.12 care, does not have regular contact with the child and failed to demonstrate consistent interest  
43.13 in the child's well-being; unless the parent or person responsible for a child's care establishes  
43.14 an extreme financial hardship, physical hardship, treatment for mental disability or chemical  
43.15 dependency, or other good cause that prevented the parent or person responsible for a child's  
43.16 care from making contact with the child. A child custody determination under chapter 257  
43.17 or 518 is not abandonment of the child.

43.18 (h) "Nonmaltreatment mistake" means:

43.19 (1) at the time of the incident, the individual was performing duties identified in the  
43.20 center's child care program plan required under Minnesota Rules, part 9503.0045;

43.21 (2) the individual has not been determined responsible for a similar incident that resulted  
43.22 in a finding of maltreatment for at least seven years;

43.23 (3) the individual has not been determined to have committed a similar nonmaltreatment  
43.24 mistake under this paragraph for at least four years;

43.25 (4) any injury to a child resulting from the incident, if treated, is treated only with  
43.26 remedies that are available over the counter, whether ordered by a medical professional or  
43.27 not; and

43.28 (5) except for the period when the incident occurred, the facility and the individual  
43.29 providing services were both in compliance with all licensing requirements relevant to the  
43.30 incident.

43.31 This definition only applies to child care centers licensed under Minnesota Rules, chapter  
43.32 9503. If clauses (1) to (5) apply, rather than making a determination of substantiated

44.1 maltreatment by the individual, the commissioner of human services shall determine that a  
44.2 nonmaltreatment mistake was made by the individual.

44.3 (i) "Operator" means an operator or agency as defined in section 245A.02.

44.4 (j) "Person responsible for the child's care" means (1) an individual functioning within  
44.5 the family unit and having responsibilities for the care of the child such as a parent, guardian,  
44.6 or other person having similar care responsibilities, or (2) an individual functioning outside  
44.7 the family unit and having responsibilities for the care of the child such as a teacher, school  
44.8 administrator, other school employees or agents, or other lawful custodian of a child having  
44.9 either full-time or short-term care responsibilities including, but not limited to, day care,  
44.10 babysitting whether paid or unpaid, counseling, teaching, and coaching.

44.11 (k) "Physical abuse" means any physical injury, mental injury, or threatened injury,  
44.12 inflicted by a person responsible for the child's care on a child other than by accidental  
44.13 means, or any physical or mental injury that cannot reasonably be explained by the child's  
44.14 history of injuries, or any aversive or deprivation procedures, or regulated interventions,  
44.15 that have not been authorized under section 125A.0942 or 245.825.

44.16 Abuse does not include reasonable and moderate physical discipline of a child  
44.17 administered by a parent or legal guardian which does not result in an injury. Abuse does  
44.18 not include the use of reasonable force by a teacher, principal, or school employee as allowed  
44.19 by section 121A.582. Actions which are not reasonable and moderate include, but are not  
44.20 limited to, any of the following:

44.21 (1) throwing, kicking, burning, biting, or cutting a child;

44.22 (2) striking a child with a closed fist;

44.23 (3) shaking a child under age three;

44.24 (4) striking or other actions which result in any nonaccidental injury to a child under 18  
44.25 months of age;

44.26 (5) unreasonable interference with a child's breathing;

44.27 (6) threatening a child with a weapon, as defined in section 609.02, subdivision 6;

44.28 (7) striking a child under age one on the face or head;

44.29 (8) striking a child who is at least age one but under age four on the face or head, which  
44.30 results in an injury;

44.31 (9) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled  
44.32 substances which were not prescribed for the child by a practitioner, in order to control or

45.1 punish the child; or other substances that substantially affect the child's behavior, motor  
45.2 coordination, or judgment or that results in sickness or internal injury, or subjects the child  
45.3 to medical procedures that would be unnecessary if the child were not exposed to the  
45.4 substances;

45.5 (10) unreasonable physical confinement or restraint not permitted under section 609.379,  
45.6 including but not limited to tying, caging, or chaining; or

45.7 (11) in a school facility or school zone, an act by a person responsible for the child's  
45.8 care that is a violation under section 121A.58.

45.9 (l) "Practice of social services," for the purposes of subdivision 3, includes but is not  
45.10 limited to employee assistance counseling and the provision of guardian ad litem and  
45.11 parenting time expeditor services.

45.12 (m) "Report" means any communication received by the local welfare agency, police  
45.13 department, county sheriff, or agency responsible for child protection pursuant to this section  
45.14 that describes neglect or physical or sexual abuse of a child and contains sufficient content  
45.15 to identify the child and any person believed to be responsible for the neglect or abuse, if  
45.16 known.

45.17 (n) "Sexual abuse" means the subjection of a child by a person responsible for the child's  
45.18 care, by a person who has a significant relationship to the child, as defined in section 609.341,  
45.19 or by a person in a position of authority, as defined in section 609.341, subdivision 10, to  
45.20 any act which constitutes a violation of section 609.342 (criminal sexual conduct in the first  
45.21 degree), 609.343 (criminal sexual conduct in the second degree), 609.344 (criminal sexual  
45.22 conduct in the third degree), 609.345 (criminal sexual conduct in the fourth degree), or  
45.23 609.3451 (criminal sexual conduct in the fifth degree). Sexual abuse also includes any act  
45.24 which involves a minor which constitutes a violation of prostitution offenses under sections  
45.25 609.321 to 609.324 or 617.246. Effective May 29, 2017, sexual abuse includes all reports  
45.26 of known or suspected child sex trafficking involving a child who is identified as a victim  
45.27 of sex trafficking. Sexual abuse includes child sex trafficking as defined in section 609.321,  
45.28 subdivisions 7a and 7b. ~~Sexual abuse includes threatened sexual abuse which includes the~~  
45.29 ~~status of a parent or household member who has committed a violation which requires~~  
45.30 ~~registration as an offender under section 243.166, subdivision 1b, paragraph (a) or (b), or~~  
45.31 ~~required registration under section 243.166, subdivision 1b, paragraph (a) or (b).~~

45.32 (o) "Substantial child endangerment" means a person responsible for a child's care, by  
45.33 act or omission, commits or attempts to commit an act against a child under their care that  
45.34 constitutes any of the following:

- 46.1 (1) egregious harm as defined in section 260C.007, subdivision 14;
- 46.2 (2) abandonment under section 260C.301, subdivision 2, paragraph (a), clause (2);
- 46.3 (3) neglect as defined in paragraph (g), clause (2), that substantially endangers the child's
- 46.4 physical or mental health, including a growth delay, which may be referred to as failure to
- 46.5 thrive, that has been diagnosed by a physician and is due to parental neglect;
- 46.6 (4) murder in the first, second, or third degree under section 609.185, 609.19, or 609.195;
- 46.7 (5) manslaughter in the first or second degree under section 609.20 or 609.205;
- 46.8 (6) assault in the first, second, or third degree under section 609.221, 609.222, or 609.223;
- 46.9 (7) solicitation, inducement, and promotion of prostitution under section 609.322;
- 46.10 (8) criminal sexual conduct under sections 609.342 to 609.3451;
- 46.11 (9) solicitation of children to engage in sexual conduct under section 609.352;
- 46.12 (10) malicious punishment or neglect or endangerment of a child under section 609.377
- 46.13 or 609.378;
- 46.14 (11) use of a minor in sexual performance under section 617.246; or
- 46.15 (12) parental behavior, status, or condition which mandates that the county attorney file
- 46.16 a termination of parental rights petition under section 260C.503, subdivision 2.
- 46.17 (p) "Threatened injury" means a statement, overt act, condition, or status that represents
- 46.18 a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes,
- 46.19 but is not limited to, exposing a child to a person responsible for the child's care, as defined
- 46.20 in paragraph (j), clause (1), who has:
- 46.21 (1) subjected a child to, or failed to protect a child from, an overt act or condition that
- 46.22 constitutes egregious harm, as defined in section 260C.007, subdivision 14, or a similar law
- 46.23 of another jurisdiction;
- 46.24 (2) been found to be palpably unfit under section 260C.301, subdivision 1, paragraph
- 46.25 (b), clause (4), or a similar law of another jurisdiction;
- 46.26 (3) committed an act that has resulted in an involuntary termination of parental rights
- 46.27 under section 260C.301, or a similar law of another jurisdiction; ~~or~~
- 46.28 (4) committed an act that has resulted in the involuntary transfer of permanent legal and
- 46.29 physical custody of a child to a relative under Minnesota Statutes 2010, section 260C.201,
- 46.30 subdivision 11, paragraph (d), clause (1), section 260C.515, subdivision 4, or a similar law
- 46.31 of another jurisdiction;

47.1 ~~(5) A child is the subject of~~ subjected a child to a status or condition requiring a report  
 47.2 ~~of threatened injury when the responsible social services agency receives~~ birth match data  
 47.3 ~~under paragraph (q) from the Department of Human Services;~~ or

47.4 (6) committed a violation which requires registration as an offender under section  
 47.5 243.166, subdivision 1b, paragraph (a) or (b), and is a parent or a household member.

47.6 (q) Upon receiving data under section 144.225, subdivision 2b, contained in a birth  
 47.7 record or recognition of parentage identifying a child who is subject to threatened injury  
 47.8 under paragraph (p), the Department of Human Services shall send the data to the responsible  
 47.9 social services agency. The data is known as "birth match" data. Unless the responsible  
 47.10 social services agency has already begun an investigation or assessment of the report due  
 47.11 to the birth of the child or execution of the recognition of parentage and the parent's previous  
 47.12 history with child protection, the agency shall accept the birth match data as a report under  
 47.13 this section. The agency ~~may~~ shall use ~~either a family assessment or an~~ investigation to  
 47.14 determine whether the child is safe. All of the provisions of this section apply. If the child  
 47.15 is determined to be safe, the agency shall consult with the county attorney to determine the  
 47.16 appropriateness of filing a petition alleging the child is in need of protection or services  
 47.17 under section 260C.007, subdivision 6, clause (16), in order to deliver needed services. If  
 47.18 the child is determined not to be safe, the agency and the county attorney shall take  
 47.19 appropriate action as required under section 260C.503, subdivision 2.

47.20 (r) Persons who conduct assessments or investigations under this section shall take into  
 47.21 account accepted child-rearing practices of the culture in which a child participates and  
 47.22 accepted teacher discipline practices, which are not injurious to the child's health, welfare,  
 47.23 and safety.

47.24 (s) "Safety plan" means a written or oral plan made with the local social services agency  
 47.25 and the child's parent or legal custodian or ordered by the court that sets out the conditions  
 47.26 necessary to keep the child safe. A safety plan is developed, when required, after a safety  
 47.27 assessment. The plan may be part of a child protective services plan, out-of-home placement  
 47.28 plan, or reunification plan when the child leaves foster care.

47.29 **EFFECTIVE DATE.** This section is effective the day following final enactment.

47.30 Sec. 30. Minnesota Statutes 2016, section 626.556, subdivision 3, is amended to read:

47.31 Subd. 3. **Persons mandated to report; persons voluntarily reporting.** (a) A person  
 47.32 who knows or has reason to believe a child is being neglected or physically or sexually  
 47.33 abused, as defined in subdivision 2, or has been neglected or physically or sexually abused

48.1 within the preceding three years, shall immediately report the information to the local welfare  
 48.2 agency, agency responsible for assessing or investigating the report, police department,  
 48.3 county sheriff, tribal social services agency, or tribal police department if the person is:

48.4 (1) a professional or professional's delegate ~~who is~~ while engaged in the practice of the  
 48.5 healing arts, social services, hospital administration, psychological or psychiatric treatment,  
 48.6 child care, education, correctional supervision, probation and correctional services, or law  
 48.7 enforcement; or

48.8 (2) employed as a member of the clergy and received the information while engaged in  
 48.9 ministerial duties, provided that a member of the clergy is not required by this subdivision  
 48.10 to report information that is otherwise privileged under section 595.02, subdivision 1,  
 48.11 paragraph (c).

48.12 (b) Any person may voluntarily report to the local welfare agency, agency responsible  
 48.13 for assessing or investigating the report, police department, county sheriff, tribal social  
 48.14 services agency, or tribal police department if the person knows, has reason to believe, or  
 48.15 suspects a child is being or has been neglected or subjected to physical or sexual abuse.

48.16 (c) A person mandated to report physical or sexual child abuse or neglect occurring  
 48.17 within a licensed facility shall report the information to the agency responsible for licensing  
 48.18 the facility under sections 144.50 to 144.58; 241.021; 245A.01 to 245A.16; or chapter 245D;  
 48.19 or a nonlicensed personal care provider organization as defined in section ~~256B.0625,~~  
 48.20 ~~subdivision 19~~ 256B.0659. A health or corrections agency receiving a report may request  
 48.21 the local welfare agency to provide assistance pursuant to subdivisions 10, 10a, and 10b.  
 48.22 A board or other entity whose licensees perform work within a school facility, upon receiving  
 48.23 a complaint of alleged maltreatment, shall provide information about the circumstances of  
 48.24 the alleged maltreatment to the commissioner of education. Section 13.03, subdivision 4,  
 48.25 applies to data received by the commissioner of education from a licensing entity.

48.26 (d) Notification requirements under subdivision 10 apply to all reports received under  
 48.27 this section.

48.28 (e) For purposes of this section, "immediately" means as soon as possible but in no event  
 48.29 longer than 24 hours.

48.30 **EFFECTIVE DATE.** This section is effective the day following final enactment.

48.31 Sec. 31. Minnesota Statutes 2016, section 626.556, subdivision 3c, is amended to read:

48.32 Subd. 3c. **Local welfare agency, Department of Human Services or Department of**  
 48.33 **Health responsible for assessing or investigating reports of maltreatment.** (a) The county

49.1 local welfare agency is the agency responsible for assessing or investigating allegations of  
 49.2 maltreatment by a parent, guardian, or individual who resides in the child's household and  
 49.3 functions within the family unit as a person responsible for the child's care, in child foster  
 49.4 care, family child care, legally unlicensed child care, juvenile correctional facilities licensed  
 49.5 under section 241.021 located in the local welfare agency's county, and reports involving  
 49.6 children served by an unlicensed personal care provider organization under section  
 49.7 256B.0659. Copies of findings related to personal care provider organizations under section  
 49.8 256B.0659 must be forwarded to the Department of Human Services provider enrollment.

49.9 (b) The Department of Human Services is the agency responsible for assessing or  
 49.10 investigating allegations of maltreatment in facilities licensed under chapters 245A and  
 49.11 245D, except for child foster care and family child care.

49.12 (c) The Department of Health is the agency responsible for assessing or investigating  
 49.13 allegations of child maltreatment in facilities licensed under sections 144.50 to 144.58 and  
 49.14 144A.43 to 144A.482.

49.15 **EFFECTIVE DATE.** This section is effective the day following final enactment.

49.16 Sec. 32. Minnesota Statutes 2016, section 626.556, subdivision 3e, is amended to read:

49.17 Subd. 3e. **Agency responsible for assessing or investigating reports of sexual abuse.**  
 49.18 The local welfare agency is the agency responsible for investigating allegations of sexual  
 49.19 abuse if the alleged offender is the parent, guardian, or sibling, or whether that person resides  
 49.20 in the same dwelling as the child; an individual functioning who resides in the child's  
 49.21 household and functions within the family unit as a person responsible for the child's care;<sup>2</sup>  
 49.22 or a person other child or adult who jointly resides intermittently or regularly in the same  
 49.23 dwelling as the child ~~with a significant relationship to the child if that person resides in the~~  
 49.24 ~~child's household.~~ Effective May 29, 2017, the local welfare agency is also responsible for  
 49.25 investigating when a child is identified as a victim of sex trafficking.

49.26 **EFFECTIVE DATE.** This section is effective the day following final enactment.

49.27 Sec. 33. Minnesota Statutes 2016, section 626.556, subdivision 7, is amended to read:

49.28 Subd. 7. **Report; information provided to parent; reporter.** (a) An oral report shall  
 49.29 be made immediately by telephone or otherwise. ~~An oral report made by a person required~~  
 49.30 ~~under subdivision 3 to report shall be followed within 72 hours, exclusive of weekends and~~  
 49.31 ~~holidays, by a report in writing to the appropriate police department, the county sheriff, the~~  
 49.32 ~~agency responsible for assessing or investigating the report, or the local welfare agency.~~

50.1 (b) The local welfare agency shall determine if the report is to be screened in or out as  
50.2 soon as possible but in no event longer than 24 hours after the report is received. When  
50.3 determining whether a report will be screened in or out, the agency receiving the report  
50.4 must consider, when relevant, all previous history, including reports that were screened out.  
50.5 The agency may communicate with treating professionals and individuals specified under  
50.6 subdivision 10, paragraph ~~(i)~~ (j), clause (3), item (iii). A treating professional or individual  
50.7 specified to provide information under this paragraph is immune from liability as specified  
50.8 under subdivision 4.

50.9 (c) Any report shall be of sufficient content to identify the child, any person believed to  
50.10 be responsible for the abuse or neglect of the child if the person is known, the nature and  
50.11 extent of the abuse or neglect and the name and address of the reporter. The local welfare  
50.12 agency or agency responsible for assessing or investigating the report shall accept a report  
50.13 made under subdivision 3 notwithstanding refusal by a reporter to provide the reporter's  
50.14 name or address as long as the report is otherwise sufficient under this paragraph. ~~Written~~  
50.15 ~~reports received by a police department or the county sheriff shall be forwarded immediately~~  
50.16 ~~to the local welfare agency or the agency responsible for assessing or investigating the~~  
50.17 ~~report. The police department or the county sheriff may keep copies of reports received by~~  
50.18 ~~them. Copies of written reports received by a local welfare department or the agency~~  
50.19 ~~responsible for assessing or investigating the report shall be forwarded immediately to the~~  
50.20 ~~local police department or the county sheriff.~~

50.21 (d) ~~When requested,~~ The agency responsible for assessing or investigating a report shall  
50.22 inform the reporter within ten days after the initial report was made, either orally or in  
50.23 writing, whether the report was accepted or not, unless release would be detrimental to the  
50.24 best interests of the child. ~~If the responsible agency determines the report does not constitute~~  
50.25 ~~a report under this section, the agency shall advise the reporter the report was screened out.~~  
50.26 Any person mandated to report shall receive a summary of the final disposition of any report  
50.27 made by that reporter, including whether the case has been opened for child protection or  
50.28 other services, or if a referral has been made to a community organization, unless release  
50.29 would be detrimental to the best interests of the child. Any person who is not mandated to  
50.30 report shall, upon request to the local welfare agency, receive a concise summary of the  
50.31 disposition of any report made by that reporter, unless release would be detrimental to the  
50.32 best interests of the child.

50.33 (e) Reports that are screened out must be maintained in accordance with subdivision  
50.34 11c, paragraph (a).

51.1 (f) A local welfare agency or agency responsible for investigating or assessing a report  
 51.2 may use a screened-out report for making an offer of social services to the subjects of the  
 51.3 screened-out report. ~~A local welfare agency or agency responsible for evaluating a report~~  
 51.4 ~~alleging maltreatment of a child shall consider prior reports, including screened-out reports,~~  
 51.5 ~~to determine whether an investigation or family assessment must be conducted.~~ The local  
 51.6 welfare agency may inform the child-placing agency or the child foster care licensing agency  
 51.7 of the screened-out report when the report alleges child maltreatment by a child or adult  
 51.8 who resides intermittently or regularly in the same dwelling as the child where any child is  
 51.9 placed in foster care.

51.10 (g) Notwithstanding paragraph (a), the commissioner of education must inform the  
 51.11 parent, guardian, or legal custodian of the child who is the subject of a report of alleged  
 51.12 maltreatment in a school facility within ten days of receiving the report, either orally or in  
 51.13 writing, whether the commissioner is assessing or investigating the report of alleged  
 51.14 maltreatment.

51.15 (h) Regardless of whether a report is made under this subdivision, as soon as practicable  
 51.16 after a school receives information regarding an incident that may constitute maltreatment  
 51.17 of a child in a school facility, the school shall inform the parent, legal guardian, or custodian  
 51.18 of the child that an incident has occurred that may constitute maltreatment of the child,  
 51.19 when the incident occurred, and the nature of the conduct that may constitute maltreatment.

51.20 (i) A written copy of a report maintained by personnel of agencies, other than welfare  
 51.21 or law enforcement agencies, which are subject to chapter 13 shall be confidential. An  
 51.22 individual subject of the report may obtain access to the original report as provided by  
 51.23 subdivision 11.

51.24 **EFFECTIVE DATE.** This section is effective the day following final enactment.

51.25 Sec. 34. Minnesota Statutes 2016, section 626.556, subdivision 10, is amended to read:

51.26 **Subd. 10. Duties of local welfare agency and local law enforcement agency upon**  
 51.27 **receipt of report; mandatory notification between police or sheriff and agency.** (a) The  
 51.28 police department or the county sheriff shall immediately notify the local welfare agency  
 51.29 or agency responsible for child protection reports under this section orally ~~and~~ or in writing  
 51.30 when a report is received. The local welfare agency or agency responsible for child protection  
 51.31 reports shall immediately notify the local police department or the county sheriff orally ~~and~~  
 51.32 or in writing when a report is received. The county sheriff and the head of every local welfare  
 51.33 agency, agency responsible for child protection reports, and police department shall each  
 51.34 designate a person within their agency, department, or office who is responsible for ensuring

52.1 that the notification duties of this paragraph are carried out. When the alleged maltreatment  
 52.2 occurred on tribal land, the local welfare agency or agency responsible for child protection  
 52.3 reports and the local police department or the county sheriff shall immediately notify the  
 52.4 tribe's social services agency and tribal law enforcement orally ~~and~~ or in writing when a  
 52.5 report is received. When the alleged maltreatment occurred in another state involving a  
 52.6 child residing in Minnesota, the local welfare agency shall assume responsibility for child  
 52.7 protection assessment or investigation.

52.8 (b) Upon receipt of a report, the local welfare agency shall determine whether to conduct  
 52.9 a family assessment or an investigation as appropriate to prevent or provide a remedy for  
 52.10 child maltreatment. The local welfare agency:

52.11 (1) shall conduct an investigation on reports involving sexual abuse according to  
 52.12 subdivision 3e or substantial child endangerment according to subdivision 3c, paragraph  
 52.13 (a);

52.14 (2) shall begin an immediate investigation if, at any time when it is using a family  
 52.15 assessment response, it determines that there is reason to believe that sexual abuse or  
 52.16 substantial child endangerment or a serious threat to the child's safety exists;

52.17 (3) may conduct a family assessment for reports that do not allege sexual abuse or  
 52.18 substantial child endangerment. In determining that a family assessment is appropriate, the  
 52.19 local welfare agency may consider issues of child safety, parental cooperation, and the need  
 52.20 for an immediate response;

52.21 (4) may conduct a family assessment on a report that was initially screened and assigned  
 52.22 for an investigation. In determining that a complete investigation is not required, the local  
 52.23 welfare agency must document the reason for terminating the investigation and notify the  
 52.24 local law enforcement agency if the local law enforcement agency is conducting a joint  
 52.25 investigation; and

52.26 (5) shall provide immediate notice, according to section 260.761, subdivision 2, to an  
 52.27 Indian child's tribe when the agency has reason to believe the family assessment or  
 52.28 investigation may involve an Indian child. For purposes of this clause, "immediate notice"  
 52.29 means notice provided within 24 hours.

52.30 ~~If the report alleges neglect, physical abuse, or sexual abuse by a parent, guardian, or~~  
 52.31 ~~individual functioning within the family unit as a person responsible for the child's care, or~~  
 52.32 ~~sexual abuse by a person with a significant relationship to the child when that person resides~~  
 52.33 ~~in the child's household or by a sibling, the local welfare agency shall immediately conduct~~  
 52.34 ~~a family assessment or investigation as identified in clauses (1) to (4).~~ (c) In conducting a

53.1 family assessment or investigation, the local welfare agency shall gather information on the  
53.2 existence of substance abuse and domestic violence and offer services for purposes of  
53.3 preventing future child maltreatment, safeguarding and enhancing the welfare of the abused  
53.4 or neglected minor, and supporting and preserving family life whenever possible. If the  
53.5 report alleges a violation of a criminal statute involving sexual abuse, physical abuse, or  
53.6 neglect or endangerment, under section 609.378, the local law enforcement agency and  
53.7 local welfare agency shall coordinate the planning and execution of their respective  
53.8 investigation and assessment efforts to avoid a duplication of fact-finding efforts and multiple  
53.9 interviews. Each agency shall prepare a separate report of the results of its investigation or  
53.10 assessment. In cases of alleged child maltreatment resulting in death, the local agency may  
53.11 rely on the fact-finding efforts of a law enforcement investigation to make a determination  
53.12 of whether or not maltreatment occurred. When necessary the local welfare agency shall  
53.13 seek authority to remove the child from the custody of a parent, guardian, or adult with  
53.14 whom the child is living. In performing any of these duties, the local welfare agency shall  
53.15 maintain appropriate records.

53.16 If the family assessment or investigation indicates there is a potential for abuse of alcohol  
53.17 or other drugs by the parent, guardian, or person responsible for the child's care, the local  
53.18 welfare agency shall conduct a chemical use assessment pursuant to Minnesota Rules, part  
53.19 9530.6615.

53.20 ~~(e)~~ (d) When a local agency receives a report or otherwise has information indicating  
53.21 that a child who is a client, as defined in section 245.91, has been the subject of physical  
53.22 abuse, sexual abuse, or neglect at an agency, facility, or program as defined in section  
53.23 245.91, it shall, in addition to its other duties under this section, immediately inform the  
53.24 ombudsman established under sections 245.91 to 245.97. The commissioner of education  
53.25 shall inform the ombudsman established under sections 245.91 to 245.97 of reports regarding  
53.26 a child defined as a client in section 245.91 that maltreatment occurred at a school as defined  
53.27 in section 120A.05, subdivisions 9, 11, and 13, and chapter 124E.

53.28 ~~(d)~~ (e) Authority of the local welfare agency responsible for assessing or investigating  
53.29 the child abuse or neglect report, the agency responsible for assessing or investigating the  
53.30 report, and of the local law enforcement agency for investigating the alleged abuse or neglect  
53.31 includes, but is not limited to, authority to interview, without parental consent, the alleged  
53.32 victim and any other minors who currently reside with or who have resided with the alleged  
53.33 offender. The interview may take place at school or at any facility or other place where the  
53.34 alleged victim or other minors might be found or the child may be transported to, and the  
53.35 interview conducted at, a place appropriate for the interview of a child designated by the

54.1 local welfare agency or law enforcement agency. The interview may take place outside the  
54.2 presence of the alleged offender or parent, legal custodian, guardian, or school official. For  
54.3 family assessments, it is the preferred practice to request a parent or guardian's permission  
54.4 to interview the child prior to conducting the child interview, unless doing so would  
54.5 compromise the safety assessment. Except as provided in this paragraph, the parent, legal  
54.6 custodian, or guardian shall be notified by the responsible local welfare or law enforcement  
54.7 agency no later than the conclusion of the investigation or assessment that this interview  
54.8 has occurred. Notwithstanding rule 32 of the Minnesota Rules of Procedure for Juvenile  
54.9 Courts, the juvenile court may, after hearing on an ex parte motion by the local welfare  
54.10 agency, order that, where reasonable cause exists, the agency withhold notification of this  
54.11 interview from the parent, legal custodian, or guardian. If the interview took place or is to  
54.12 take place on school property, the order shall specify that school officials may not disclose  
54.13 to the parent, legal custodian, or guardian the contents of the notification of intent to interview  
54.14 the child on school property, as provided under this paragraph, and any other related  
54.15 information regarding the interview that may be a part of the child's school record. A copy  
54.16 of the order shall be sent by the local welfare or law enforcement agency to the appropriate  
54.17 school official.

54.18 ~~(e)~~ (f) When the local welfare, local law enforcement agency, or the agency responsible  
54.19 for assessing or investigating a report of maltreatment determines that an interview should  
54.20 take place on school property, written notification of intent to interview the child on school  
54.21 property must be received by school officials prior to the interview. The notification shall  
54.22 include the name of the child to be interviewed, the purpose of the interview, and a reference  
54.23 to the statutory authority to conduct an interview on school property. For interviews  
54.24 conducted by the local welfare agency, the notification shall be signed by the chair of the  
54.25 local social services agency or the chair's designee. The notification shall be private data  
54.26 on individuals subject to the provisions of this paragraph. School officials may not disclose  
54.27 to the parent, legal custodian, or guardian the contents of the notification or any other related  
54.28 information regarding the interview until notified in writing by the local welfare or law  
54.29 enforcement agency that the investigation or assessment has been concluded, unless a school  
54.30 employee or agent is alleged to have maltreated the child. Until that time, the local welfare  
54.31 or law enforcement agency or the agency responsible for assessing or investigating a report  
54.32 of maltreatment shall be solely responsible for any disclosures regarding the nature of the  
54.33 assessment or investigation.

54.34 Except where the alleged offender is believed to be a school official or employee, the  
54.35 time and place, and manner of the interview on school premises shall be within the discretion

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

55.10 ~~(f)~~ (g) Where the alleged offender or a person responsible for the care of the alleged  
55.11 victim or other minor prevents access to the victim or other minor by the local welfare  
55.12 agency, the juvenile court may order the parents, legal custodian, or guardian to produce  
55.13 the alleged victim or other minor for questioning by the local welfare agency or the local  
55.14 law enforcement agency outside the presence of the alleged offender or any person  
55.15 responsible for the child's care at reasonable places and times as specified by court order.

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

55.23 ~~(h)~~ (i) The commissioner of human services, the ombudsman for mental health and  
55.24 developmental disabilities, the local welfare agencies responsible for investigating reports,  
55.25 the commissioner of education, and the local law enforcement agencies have the right to  
55.26 enter facilities as defined in subdivision 2 and to inspect and copy the facility's records,  
55.27 including medical records, as part of the investigation. Notwithstanding the provisions of  
55.28 chapter 13, they also have the right to inform the facility under investigation that they are  
55.29 conducting an investigation, to disclose to the facility the names of the individuals under  
55.30 investigation for abusing or neglecting a child, and to provide the facility with a copy of  
55.31 the report and the investigative findings.

55.32 ~~(i)~~ (j) The local welfare agency responsible for conducting a family assessment or  
55.33 investigation shall collect available and relevant information to determine child safety, risk  
55.34 of subsequent child maltreatment, and family strengths and needs and share not public  
55.35 information, including the name of the reporter of child maltreatment and any other

56.1 information collected under this subdivision, with an Indian's tribal social services agency  
56.2 without violating any law of the state that may otherwise impose duties of confidentiality  
56.3 on the local welfare agency in order to implement the tribal state agreement. The local  
56.4 welfare agency or the agency responsible for investigating the report shall collect available  
56.5 and relevant information to ascertain whether maltreatment occurred and whether protective  
56.6 services are needed. Information collected includes, when relevant, information with regard  
56.7 to the person reporting the alleged maltreatment, including the nature of the reporter's  
56.8 relationship to the child and to the alleged offender, and the basis of the reporter's knowledge  
56.9 for the report; the child allegedly being maltreated; the alleged offender; the child's caretaker;  
56.10 and other collateral sources having relevant information related to the alleged maltreatment.  
56.11 The local welfare agency or the agency responsible for investigating the report may make  
56.12 a determination of no maltreatment early in an investigation, and close the case and retain  
56.13 immunity, if the collected information shows no basis for a full investigation.

56.14 Information relevant to the assessment or investigation must be asked for, and may  
56.15 include:

56.16 (1) the child's sex and age; prior reports of maltreatment, including any maltreatment  
56.17 reports that were screened out and not accepted for assessment or investigation; information  
56.18 relating to developmental functioning; credibility of the child's statement; and whether the  
56.19 information provided under this clause is consistent with other information collected during  
56.20 the course of the assessment or investigation;

56.21 (2) the alleged offender's age, a record check for prior reports of maltreatment, and  
56.22 criminal charges and convictions. The local welfare agency or the agency responsible for  
56.23 assessing or investigating the report must provide the alleged offender with an opportunity  
56.24 to make a statement. The alleged offender may submit supporting documentation relevant  
56.25 to the assessment or investigation;

56.26 (3) collateral source information regarding the alleged maltreatment and care of the  
56.27 child. Collateral information includes, when relevant: (i) a medical examination of the child;  
56.28 (ii) prior medical records relating to the alleged maltreatment or the care of the child  
56.29 maintained by any facility, clinic, or health care professional and an interview with the  
56.30 treating professionals; and (iii) interviews with the child's caretakers, including the child's  
56.31 parent, guardian, foster parent, child care provider, teachers, counselors, family members,  
56.32 relatives, and other persons who may have knowledge regarding the alleged maltreatment  
56.33 and the care of the child; and

57.1 (4) information on the existence of domestic abuse and violence in the home of the child,  
57.2 and substance abuse.

57.3 Nothing in this paragraph precludes the local welfare agency, the local law enforcement  
57.4 agency, or the agency responsible for assessing or investigating the report from collecting  
57.5 other relevant information necessary to conduct the assessment or investigation.

57.6 Notwithstanding sections 13.384 or 144.291 to 144.298, the local welfare agency has access  
57.7 to medical data and records for purposes of clause (3). Notwithstanding the data's  
57.8 classification in the possession of any other agency, data acquired by the local welfare  
57.9 agency or the agency responsible for assessing or investigating the report during the course  
57.10 of the assessment or investigation are private data on individuals and must be maintained  
57.11 in accordance with subdivision 11. Data of the commissioner of education collected or  
57.12 maintained during and for the purpose of an investigation of alleged maltreatment in a school  
57.13 are governed by this section, notwithstanding the data's classification as educational,  
57.14 licensing, or personnel data under chapter 13.

57.15 In conducting an assessment or investigation involving a school facility as defined in  
57.16 subdivision 2, paragraph (c), the commissioner of education shall collect investigative  
57.17 reports and data that are relevant to a report of maltreatment and are from local law  
57.18 enforcement and the school facility.

57.19 ~~(j)~~ (k) Upon receipt of a report made under subdivision 7, paragraph (a), the local welfare  
57.20 agency shall conduct a face-to-face contact with the child reported to be maltreated and  
57.21 with the child's primary caregiver sufficient to complete a safety assessment and ensure the  
57.22 immediate safety of the child. The face-to-face contact with the child and primary caregiver  
57.23 shall occur immediately if sexual abuse or substantial child endangerment is alleged and  
57.24 within five calendar days for all other reports. If the alleged offender was not already  
57.25 interviewed as the primary caregiver, the local welfare agency shall also conduct a  
57.26 face-to-face interview with the alleged offender in the early stages of the assessment or  
57.27 investigation. At the initial contact, the local child welfare agency or the agency responsible  
57.28 for assessing or investigating the report must inform the alleged offender of the complaints  
57.29 or allegations made against the individual in a manner consistent with laws protecting the  
57.30 rights of the person who made the report or the person who provided information under  
57.31 subdivision 7, paragraph (b). The interview with the alleged offender may be postponed if  
57.32 it would jeopardize an active law enforcement investigation.

57.33 ~~(k)~~ (l) When conducting an investigation, the local welfare agency shall use a question  
57.34 and answer interviewing format with questioning as nondirective as possible to elicit

58.1 spontaneous responses. For investigations only, the following interviewing methods and  
 58.2 procedures must be used whenever possible when collecting information:

58.3 (1) audio recordings of all interviews with witnesses and collateral sources; and

58.4 (2) in cases of alleged sexual abuse, audio-video recordings of each interview with the  
 58.5 alleged victim and child witnesses.

58.6 ~~(h)~~ (m) In conducting an assessment or investigation involving a school facility as defined  
 58.7 in subdivision 2, paragraph (c), the commissioner of education shall collect available and  
 58.8 relevant information and use the procedures in paragraphs ~~(j)~~ (k) and ~~(l)~~ (l), and subdivision  
 58.9 3d, except that the requirement for face-to-face observation of the child and face-to-face  
 58.10 interview of the alleged offender is to occur in the initial stages of the assessment or  
 58.11 investigation provided that the commissioner may also base the assessment or investigation  
 58.12 on investigative reports and data received from the school facility and local law enforcement,  
 58.13 to the extent those investigations satisfy the requirements of paragraphs ~~(j)~~ (k) and ~~(l)~~ (l),  
 58.14 and subdivision 3d.

58.15 **EFFECTIVE DATE.** This section is effective the day following final enactment.

58.16 Sec. 35. Minnesota Statutes 2016, section 626.556, subdivision 10f, is amended to read:

58.17 Subd. 10f. **Notice of determinations.** Within ten working days of the conclusion of a  
 58.18 family assessment, the local welfare agency shall notify the parent or guardian of the child  
 58.19 of the need for services to address child safety concerns or significant risk of subsequent  
 58.20 child maltreatment. The local welfare agency and the family may also jointly agree that  
 58.21 family support and family preservation services are needed. Within ten working days of the  
 58.22 conclusion of an investigation, the local welfare agency or agency responsible for  
 58.23 investigating the report shall notify the parent or guardian of the child, the person determined  
 58.24 to be maltreating the child, and, if applicable, the director of the facility, of the determination  
 58.25 and a summary of the specific reasons for the determination. When the investigation involves  
 58.26 a child foster care setting that is monitored by a private licensing agency under section  
 58.27 245A.16, the local welfare agency responsible for investigating the report shall notify the  
 58.28 private licensing agency of the determination and shall provide a summary of the specific  
 58.29 reasons for the determination. The notice to the private licensing agency must include  
 58.30 identifying private data, but not the identity of the reporter of maltreatment. The notice must  
 58.31 also include a certification that the information collection procedures under subdivision 10,  
 58.32 paragraphs ~~(h)~~ (i), ~~(i)~~ (j), and ~~(j)~~ (k), were followed and a notice of the right of a data subject  
 58.33 to obtain access to other private data on the subject collected, created, or maintained under  
 58.34 this section. In addition, the notice shall include the length of time that the records will be

59.1 kept under subdivision 11c. When the investigation involves a nonlicensed personal care  
 59.2 provider organization as defined in section 256B.0659, regardless of the relationship of the  
 59.3 victim to the nonlicensed personal care attendant, the local welfare agency responsible for  
 59.4 investigating the report shall notify the personal care provider agency of the determination  
 59.5 and shall provide a summary of the specific reasons for the determination. The notice to  
 59.6 the personal care provider agency must include identifying private data, but cannot identify  
 59.7 the reporter of maltreatment. The notice must also include a certification that the procedures  
 59.8 under subdivision 10, paragraphs (i), (j), and (k), were followed and a notice of the right of  
 59.9 a data subject to obtain access to other private data on the subject collected, created, or  
 59.10 maintained under this section. In addition, the notice shall include the length of time that  
 59.11 the records will be kept according to subdivision 11c. The investigating agency shall notify  
 59.12 the parent or guardian of the child who is the subject of the report, and any person or facility  
 59.13 determined to have maltreated a child, of their appeal or review rights under this section.  
 59.14 The notice must also state that a finding of maltreatment may result in denial of a license  
 59.15 application or background study disqualification under chapter 245C related to employment  
 59.16 or services that are licensed by the Department of Human Services under chapter 245A, the  
 59.17 Department of Health under chapter 144 or 144A, the Department of Corrections under  
 59.18 section 241.021, and from providing services related to an unlicensed personal care provider  
 59.19 organization under chapter 256B.

59.20 **EFFECTIVE DATE.** This section is effective the day following final enactment.

59.21 Sec. 36. Minnesota Statutes 2016, section 626.556, subdivision 10m, is amended to read:

59.22 Subd. 10m. **Provision of child protective services; safety planning; consultation with**  
 59.23 **county attorney.** (a) The local welfare agency shall create a written plan, in collaboration  
 59.24 with the family whenever possible, within 30 days of the determination that child protective  
 59.25 services are needed or upon joint agreement of the local welfare agency and the family that  
 59.26 family support and preservation services are needed. Child protective services for a family  
 59.27 are voluntary ~~unless~~ on the part of the family until ordered by the court: after a petition  
 59.28 under section 260C.141 has been filed. Family support and preservation services are voluntary  
 59.29 unless the services are ordered by the court.

59.30 (b) When a child's removal from a parent or guardian is necessary as part of a safety  
 59.31 plan, the removal must occur pursuant to a voluntary placement agreement under section  
 59.32 260C.227; a court order under section 260C.151, subdivision 6, 260C.178 or 260C.201; or  
 59.33 peace officer action authorized under section 260C.175, subdivision 1, clause (2). The local  
 59.34 agency must not use a delegation of power by a parent or guardian under section 524.5-211

60.1 or the standby custodian provisions of chapter 257B as authority to support removal of a  
 60.2 child from the care of a parent or guardian.

60.3 (c) The local welfare agency shall consult with the county attorney to determine the  
 60.4 appropriateness of filing a petition alleging the child is in need of protection or services  
 60.5 under section 260C.007, subdivision 6, if:

60.6 (1) the family does not accept or comply with a plan for child protective services or  
 60.7 safety plan;

60.8 (2) voluntary child protective services on the part of the family may not provide sufficient  
 60.9 protection for the child; ~~or~~

60.10 (3) the family is not cooperating with an investigation or assessment; or

60.11 (4) removal of the child from a parent or guardian is necessary and a voluntary placement  
 60.12 agreement under section 260C.227 may not provide sufficient protection for the child.

60.13 **EFFECTIVE DATE.** This section is effective the day following final enactment.

60.14 Sec. 37. Minnesota Statutes 2016, section 626.556, subdivision 11, is amended to read:

60.15 Subd. 11. **Records.** (a) Except as provided in paragraph (b) and subdivisions 10b, 10d,  
 60.16 10g, and 11b, all records concerning individuals maintained by a local welfare agency or  
 60.17 agency responsible for assessing or investigating the report under this section, including  
 60.18 not public information shared with an Indian's tribal social service agency under subdivision  
 60.19 10 and any written reports filed under subdivision 7, shall be private data on individuals,  
 60.20 except insofar as copies of reports are required by subdivision 7 to be sent to the local police  
 60.21 department or the county sheriff. All records concerning determinations of maltreatment  
 60.22 by a facility are nonpublic data as maintained by the Department of Education, except insofar  
 60.23 as copies of reports are required by subdivision 7 to be sent to the local police department  
 60.24 or the county sheriff. Reports maintained by any police department or the county sheriff  
 60.25 shall be private data on individuals except the reports shall be made available to the  
 60.26 investigating, petitioning, or prosecuting authority, including county medical examiners or  
 60.27 county coroners. Section 13.82, subdivisions 8, 9, and 14, apply to law enforcement data  
 60.28 other than the reports. The local social services agency or agency responsible for assessing  
 60.29 or investigating the report shall make available to the investigating, petitioning, or prosecuting  
 60.30 authority, including county medical examiners or county coroners or their professional  
 60.31 delegates, any records which contain information relating to a specific incident of neglect  
 60.32 or abuse which is under investigation, petition, or prosecution and information relating to  
 60.33 any prior incidents of neglect or abuse involving any of the same persons. The records shall

61.1 be collected and maintained in accordance with the provisions of chapter 13. In conducting  
 61.2 investigations and assessments pursuant to this section, the notice required by section 13.04,  
 61.3 subdivision 2, need not be provided to a minor under the age of ten who is the alleged victim  
 61.4 of abuse or neglect. An individual subject of a record shall have access to the record in  
 61.5 accordance with those sections, except that the name of the reporter shall be confidential  
 61.6 while the report is under assessment or investigation except as otherwise permitted by this  
 61.7 subdivision. Any person conducting an investigation or assessment under this section or  
 61.8 who has received not public information as permitted by this subdivision and who  
 61.9 intentionally discloses the identity of a reporter prior to the completion of the investigation  
 61.10 or assessment is guilty of a misdemeanor. After the assessment or investigation is completed,  
 61.11 the name of the reporter shall be confidential. The subject of the report may compel disclosure  
 61.12 of the name of the reporter only with the consent of the reporter or upon a written finding  
 61.13 by the court that the report was false and that there is evidence that the report was made in  
 61.14 bad faith. This subdivision does not alter disclosure responsibilities or obligations under  
 61.15 the Rules of Criminal Procedure.

61.16 (b) Upon request of the legislative auditor, data on individuals maintained under this  
 61.17 section must be released to the legislative auditor in order for the auditor to fulfill the auditor's  
 61.18 duties under section 3.971. The auditor shall maintain the data in accordance with chapter  
 61.19 13.

61.20 (c) The commissioner of education must be provided with all requested data that are  
 61.21 relevant to a report of maltreatment and are in possession of a school facility as defined in  
 61.22 subdivision 2, paragraph (c), when the data is requested pursuant to an assessment or  
 61.23 investigation of a maltreatment report of a student in a school. If the commissioner of  
 61.24 education makes a determination of maltreatment involving an individual performing work  
 61.25 within a school facility who is licensed by a board or other agency, the commissioner shall  
 61.26 provide necessary and relevant information to the licensing entity to enable the entity to  
 61.27 fulfill its statutory duties. Notwithstanding section 13.03, subdivision 4, data received by a  
 61.28 licensing entity under this paragraph are governed by section 13.41 or other applicable law  
 61.29 governing data of the receiving entity, except that this section applies to the classification  
 61.30 of and access to data on the reporter of the maltreatment.

61.31 **EFFECTIVE DATE.** This section is effective the day following final enactment.

61.32 Sec. 38. Minnesota Statutes 2016, section 626.5561, subdivision 1, is amended to read:

61.33 Subdivision 1. **Reports required.** (a) Except as provided in paragraph (b), a person  
 61.34 mandated to report under section 626.556, subdivision 3, shall immediately report to the

62.1 local welfare agency if the person knows or has reason to believe that a woman is pregnant  
 62.2 and has used a controlled substance for a nonmedical purpose during the pregnancy,  
 62.3 including, but not limited to, tetrahydrocannabinol, or has consumed alcoholic beverages  
 62.4 during the pregnancy in any way that is habitual or excessive.

62.5 (b) A health care professional or a social service professional who is mandated to report  
 62.6 under section 626.556, subdivision 3, is exempt from reporting under paragraph (a) a  
 62.7 woman's use or consumption of tetrahydrocannabinol or alcoholic beverages during  
 62.8 pregnancy if the professional is providing the woman with prenatal care or other healthcare  
 62.9 services.

62.10 (c) Any person may make a voluntary report if the person knows or has reason to believe  
 62.11 that a woman is pregnant and has used a controlled substance for a nonmedical purpose  
 62.12 during the pregnancy, including, but not limited to, tetrahydrocannabinol, or has consumed  
 62.13 alcoholic beverages during the pregnancy in any way that is habitual or excessive.

62.14 (d) An oral report shall be made immediately by telephone or otherwise. ~~An oral report~~  
 62.15 ~~made by a person required to report shall be followed within 72 hours, exclusive of weekends~~  
 62.16 ~~and holidays, by a report in writing to the local welfare agency.~~ Any report shall be of  
 62.17 sufficient content to identify the pregnant woman, the nature and extent of the use, if known,  
 62.18 and the name and address of the reporter. The local welfare agency shall accept a report  
 62.19 made under paragraph (c) notwithstanding refusal by a voluntary reporter to provide the  
 62.20 reporter's name or address as long as the report is otherwise sufficient.

62.21 (e) For purposes of this section, "prenatal care" means the comprehensive package of  
 62.22 medical and psychological support provided throughout the pregnancy.

62.23 **EFFECTIVE DATE.** This section is effective the day following final enactment.

62.24 Sec. 39. Minnesota Statutes 2016, section 626.558, subdivision 2, is amended to read:

62.25 Subd. 2. **Duties of team.** A multidisciplinary child protection team may provide public  
 62.26 and professional education, develop resources for prevention, intervention, and treatment,  
 62.27 and provide case consultation including, but not limited to, screening, to the local welfare  
 62.28 agency or other interested community-based agencies. The community-based agencies may  
 62.29 request case consultation from the multidisciplinary child protection team regarding a child  
 62.30 or family for whom the community-based agency is providing services. As used in this  
 62.31 section, "case consultation" means a case review process in which recommendations are  
 62.32 made concerning services to be provided to the identified children and family and which  
 62.33 may include screening. Case consultation may be performed by a committee or subcommittee

63.1 of members representing human services, including mental health and chemical dependency;  
 63.2 law enforcement, including probation and parole; the county attorney; a children's advocacy  
 63.3 center; health care; education; community-based agencies and other necessary agencies;  
 63.4 and persons directly involved in an individual case as designated by other members  
 63.5 performing case consultation.

63.6 **EFFECTIVE DATE.** This section is effective the day following final enactment.

63.7 Sec. 40. **REPEALER.**

63.8 Minnesota Statutes 2016, sections 119B.125, subdivision 8; and 256J.751, subdivision  
 63.9 1, are repealed.

63.10 **EFFECTIVE DATE.** This section is effective the day following final enactment.

## 63.11 **ARTICLE 2**

### 63.12 **OPERATIONS**

63.13 Section 1. Minnesota Statutes 2016, section 13.46, subdivision 3, is amended to read:

63.14 Subd. 3. **Investigative data.** (a) Data on persons, including data on vendors of services,  
 63.15 licensees, and applicants that is collected, maintained, used, or disseminated by the welfare  
 63.16 system in an investigation, authorized by statute, and relating to the enforcement of rules  
 63.17 or law are confidential data on individuals pursuant to section 13.02, subdivision 3, or  
 63.18 protected nonpublic data not on individuals pursuant to section 13.02, subdivision 13, and  
 63.19 shall not be disclosed except:

63.20 (1) pursuant to section 13.05;

63.21 (2) pursuant to statute or valid court order;

63.22 (3) to a party named in a civil or criminal proceeding, administrative or judicial, for  
 63.23 preparation of defense; ~~or~~

63.24 (4) to an agent of the welfare system and an investigator acting on behalf of a county,  
 63.25 the state, or the federal government, including a law enforcement officer or attorney in the  
 63.26 investigation or prosecution of a criminal, civil, or administrative proceeding relating to the  
 63.27 administration of a state or federal health care welfare program; or

63.28 ~~(4)~~ (5) to provide notices required or permitted by statute.

63.29 The data referred to in this subdivision shall be classified as public data upon submission  
 63.30 to an administrative law judge or court in an administrative or judicial proceeding. Inactive  
 63.31 welfare investigative data shall be treated as provided in section 13.39, subdivision 3.

64.1 (b) Notwithstanding any other provision in law, the commissioner of human services  
64.2 shall provide all active and inactive investigative data, including the name of the reporter  
64.3 of alleged maltreatment under section 626.556 or 626.557, to the ombudsman for mental  
64.4 health and developmental disabilities upon the request of the ombudsman.

64.5 (c) Notwithstanding paragraph (a) and section 13.39, the existence of an investigation  
64.6 by the commissioner of possible overpayments of public funds to a service provider or  
64.7 recipient may be disclosed if the commissioner determines that it will not compromise the  
64.8 investigation.

64.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.

64.10 Sec. 2. Minnesota Statutes 2016, section 144.057, subdivision 1, is amended to read:

64.11 Subdivision 1. **Background studies required.** (a) The commissioner of health shall  
64.12 contract with the commissioner of human services to conduct background studies of:

64.13 (1) individuals providing services which have direct contact, as defined under section  
64.14 245C.02, subdivision 11, with patients and residents in hospitals, boarding care homes,  
64.15 outpatient surgical centers licensed under sections 144.50 to 144.58; nursing homes and  
64.16 home care agencies licensed under chapter 144A; residential care homes licensed under  
64.17 chapter 144B, and board and lodging establishments that are registered to provide supportive  
64.18 or health supervision services under section 157.17;

64.19 (2) individuals specified in section 245C.03, subdivision 1, who perform direct contact  
64.20 services in a nursing home or a home care agency licensed under chapter 144A or a boarding  
64.21 care home licensed under sections 144.50 to 144.58. If the individual under study resides  
64.22 outside Minnesota, the study must include a check for substantiated findings of maltreatment  
64.23 of adults and children in the individual's state of residence when the information is made  
64.24 available by that state, and must include a check of the National Crime Information Center  
64.25 database;

64.26 (3) beginning July 1, 1999, all other employees in nursing homes licensed under chapter  
64.27 144A, and boarding care homes licensed under sections 144.50 to 144.58. A disqualification  
64.28 of an individual in this section shall disqualify the individual from positions allowing direct  
64.29 contact or access to patients or residents receiving services. "Access" means physical access  
64.30 to a client or the client's personal property without continuous, direct supervision as defined  
64.31 in section 245C.02, subdivision 8, when the employee's employment responsibilities do not  
64.32 include providing direct contact services;

65.1 (4) individuals employed by a supplemental nursing services agency, as defined under  
65.2 section 144A.70, who are providing services in health care facilities; and

65.3 (5) controlling persons of a supplemental nursing services agency, as defined under  
65.4 section 144A.70.

65.5 (b) If a facility or program is licensed by the Department of Human Services and subject  
65.6 to the background study provisions of chapter 245C and is also licensed by the Department  
65.7 of Health, the Department of Human Services is solely responsible for the background  
65.8 studies of individuals in the jointly licensed programs.

65.9 (c) For an individual under paragraph (a), clause (2), who resides outside Minnesota,  
65.10 when the criminal history check and check for substantiated maltreatment of a minor or  
65.11 adult in Minnesota results in no disqualifying information, the commissioner may issue a  
65.12 clearance notice to the individual and the entity that initiated the study, pending the result  
65.13 of the check for substantiated maltreatment of a minor or adult in the individual's state of  
65.14 residence. A clearance notice issued under this provision is the final notice to the individual  
65.15 and entity. The commissioner shall notify the individual and entity if the check for  
65.16 substantiated maltreatment from the individual's state of residence results in disqualifying  
65.17 information.

65.18 **EFFECTIVE DATE.** This section is effective the day following final enactment.

65.19 Sec. 3. Minnesota Statutes 2016, section 245A.02, subdivision 3, is amended to read:

65.20 Subd. 3. **Applicant.** "Applicant" means an individual, ~~corporation, partnership, voluntary~~  
65.21 ~~association, controlling individual, or other organization,~~ or government entity, as defined  
65.22 in section 13.02, subdivision 7a, that has applied for licensure under this chapter and the  
65.23 rules of the commissioner is subject to licensure under this chapter and that has applied for  
65.24 but not yet been granted a license under this chapter.

65.25 **EFFECTIVE DATE.** This section is effective August 1, 2017.

65.26 Sec. 4. Minnesota Statutes 2016, section 245A.02, is amended by adding a subdivision to  
65.27 read:

65.28 Subd. 10c. **Owner.** "Owner" means each individual or organization that has five percent  
65.29 or more direct or indirect ownership interest in a program licensed under this chapter. For  
65.30 purposes of this subdivision, "direct ownership interest" means the possession of equity in  
65.31 capital, stock, or profits of an organization and "indirect ownership interest" means a direct  
65.32 ownership interest in an entity that has a direct or indirect ownership interest in a licensed

66.1 program. For purposes of this chapter, owner of a nonprofit corporation means each member  
 66.2 of the board of directors. A government entity that is issued a license under this chapter  
 66.3 shall be designated the owner.

66.4 **EFFECTIVE DATE.** This section is effective August 1, 2017.

66.5 Sec. 5. Minnesota Statutes 2016, section 245A.03, subdivision 3, is amended to read:

66.6 Subd. 3. **Unlicensed programs.** (a) It is a misdemeanor for an individual, ~~corporation,~~  
 66.7 ~~partnership, voluntary association, other~~ organization, or a ~~controlling individual~~ government  
 66.8 entity to provide a residential or nonresidential program without a license issued under this  
 66.9 chapter and in willful disregard of this chapter unless the program is excluded from licensure  
 66.10 under subdivision 2.

66.11 (b) The commissioner may ask the appropriate county attorney or the attorney general  
 66.12 to begin proceedings to secure a court order against the continued operation of the program,  
 66.13 if an individual, ~~corporation, partnership, voluntary association, other~~ organization, or  
 66.14 ~~controlling individual~~ government entity has:

66.15 (1) failed to apply for a license under this chapter after receiving notice that a license is  
 66.16 required or continues to operate without a license after receiving notice that a license is  
 66.17 required;

66.18 (2) continued to operate without a license after ~~the~~ a license issued under this chapter  
 66.19 ~~has been revoked or suspended under section 245A.07 this chapter,~~ and the commissioner  
 66.20 has issued a final order affirming the revocation or suspension, or the license holder did not  
 66.21 timely appeal the sanction; or

66.22 (3) continued to operate without a license after ~~the~~ a license issued under this chapter  
 66.23 ~~has been temporarily immediately suspended under section 245A.07 pursuant to this chapter.~~

66.24 The county attorney and the attorney general have a duty to cooperate with the commissioner.

66.25 **EFFECTIVE DATE.** This section is effective August 1, 2017.

66.26 Sec. 6. Minnesota Statutes 2016, section 245A.04, subdivision 1, is amended to read:

66.27 Subdivision 1. **Application for licensure.** (a) An individual, ~~corporation, partnership,~~  
 66.28 ~~voluntary association, other~~ organization or ~~controlling individual,~~ or government entity  
 66.29 that is subject to licensure under section 245A.03 must apply for a license. The application  
 66.30 must be made on the forms and in the manner prescribed by the commissioner. The  
 66.31 commissioner shall provide the applicant with instruction in completing the application and

67.1 provide information about the rules and requirements of other state agencies that affect the  
 67.2 applicant. An applicant seeking licensure in Minnesota with headquarters outside of  
 67.3 Minnesota must have a program office located within the state. An applicant who intends  
 67.4 to buy or otherwise acquire a program or services licensed under this chapter that is owned  
 67.5 by another license holder must comply with the application procedures in this section and  
 67.6 section 245A.03.

67.7 The commissioner shall act on the application within 90 working days after a complete  
 67.8 application and any required reports have been received from other state agencies or  
 67.9 departments, counties, municipalities, or other political subdivisions. The commissioner  
 67.10 shall not consider an application to be complete until the commissioner receives all of the  
 67.11 information required under section 245C.05.

67.12 When the commissioner receives an application for initial licensure that is incomplete  
 67.13 because the applicant failed to submit required documents or that is substantially deficient  
 67.14 because the documents submitted do not meet licensing requirements, the commissioner  
 67.15 shall provide the applicant written notice that the application is incomplete or substantially  
 67.16 deficient. In the written notice to the applicant the commissioner shall identify documents  
 67.17 that are missing or deficient and give the applicant 45 days to resubmit a second application  
 67.18 that is substantially complete. An applicant's failure to submit a substantially complete  
 67.19 application after receiving notice from the commissioner is a basis for license denial under  
 67.20 section 245A.05.

67.21 (b) An application for licensure must identify all controlling individuals as defined in  
 67.22 section 245A.02, subdivision 5a, and must ~~specify an~~ designate one controlling individual  
 67.23 to be the authorized agent who is responsible for dealing with the commissioner of human  
 67.24 ~~services on all matters provided for in this chapter and on whom service of all notices and~~  
 67.25 ~~orders must be made~~ for the license holder. The application must be signed by the authorized  
 67.26 agent and must include the first, middle, and last name; mailing address; and e-mail address  
 67.27 of the authorized agent. By submitting an application for licensure, the authorized agent  
 67.28 consents to electronic communication with the commissioner throughout the application  
 67.29 process. The authorized agent must be authorized to accept service on behalf of all of the  
 67.30 ~~controlling individuals of the program.~~ Service on the authorized agent is service on all of  
 67.31 ~~the controlling individuals of the program.~~ It is not a defense to any action arising under  
 67.32 this chapter that service was not made on each controlling individual of the program. The  
 67.33 designation of one or more a controlling individuals individual as agents the authorized  
 67.34 agent under this paragraph does not affect the legal responsibility of any other controlling  
 67.35 individual under this chapter.

68.1 (c) An applicant or license holder must have a policy that prohibits license holders,  
68.2 employees, subcontractors, and volunteers, when directly responsible for persons served  
68.3 by the program, from abusing prescription medication or being in any manner under the  
68.4 influence of a chemical that impairs the individual's ability to provide services or care. The  
68.5 license holder must train employees, subcontractors, and volunteers about the program's  
68.6 drug and alcohol policy.

68.7 (d) An applicant and license holder must have a program grievance procedure that permits  
68.8 persons served by the program and their authorized representatives to bring a grievance to  
68.9 the highest level of authority in the program.

68.10 ~~(e) The applicant must be able to demonstrate competent knowledge of the applicable~~  
68.11 ~~requirements of this chapter and chapter 245C, and the requirements of other licensing~~  
68.12 ~~statutes and rules applicable to the program or services for which the applicant is seeking~~  
68.13 ~~to be licensed. Effective January 1, 2013, The commissioner may limit communication~~  
68.14 ~~during the application process to the authorized agent or the controlling individual identified~~  
68.15 ~~on the license application and for whom a background study was initiated under chapter~~  
68.16 ~~245C.~~ The commissioner may require the applicant, except for child foster care, to  
68.17 demonstrate competence in the applicable licensing requirements by successfully completing  
68.18 a written examination. The commissioner may develop a prescribed written examination  
68.19 format.

68.20 (f) When an applicant is an individual, the individual must provide:

68.21 (1) the applicant's taxpayer identification numbers including the Social Security number  
68.22 or Minnesota tax identification number, and federal employer identification number if the  
68.23 applicant has employees;

68.24 (2) a copy of the most recent filing with the secretary of state that includes the complete  
68.25 business name, if any, and if doing business under a different name, the doing business as  
68.26 (DBA) name, as registered with the secretary of state; and

68.27 (3) ~~a notarized signature of the applicant.~~ if applicable, the applicant's National Provider  
68.28 Identifier (NPI) number and Unique Minnesota Provider Identifier (UMPI) number; and

68.29 (4) at the request of the commissioner, the notarized signature of the applicant or  
68.30 authorized agent.

68.31 (g) When an applicant is ~~a nonindividual~~ an organization, the applicant must provide  
68.32 ~~the:~~

69.1 (1) the applicant's taxpayer identification numbers including the Minnesota tax  
69.2 identification number and federal employer identification number;

69.3 (2) a copy of the most recent filing with the secretary of state that includes the complete  
69.4 business name, and if doing business under a different name, the doing business as (DBA)  
69.5 name, as registered with the secretary of state;

69.6 (3) the first, middle, and last name, and address for all individuals who will be controlling  
69.7 individuals, including all officers, owners, and managerial officials as defined in section  
69.8 245A.02, subdivision 5a, and the date that the background study was initiated by the applicant  
69.9 for each controlling individual; and

69.10 ~~(4) first, middle, and last name, mailing address, and notarized signature of the agent~~  
69.11 ~~authorized by the applicant to accept service on behalf of the controlling individuals.~~

69.12 (4) if applicable, the applicant's National Provider Identifier (NPI) number and Unique  
69.13 Minnesota Provider Identifier (UMPI) number;

69.14 (5) the records that created the organization and that determine its internal governance  
69.15 and the relations among the persons that own it, have an interest in it, or are members of it,  
69.16 in each case as provided or authorized by its governing statute, which may include a  
69.17 partnership agreement, bylaws, articles of organization, organizational chart, and operating  
69.18 agreement, or comparable documents as provided in the organization's governing statute;  
69.19 and

69.20 (6) at the request of the commissioner, the notarized signature of the applicant or  
69.21 authorized agent.

69.22 (h) When the applicant is a government entity, the applicant must provide:

69.23 (1) the name of the government agency, political subdivision, or other unit of government  
69.24 that is seeking the license and the name of the program or services that will be licensed;

69.25 (2) the taxpayer identification numbers including the Minnesota tax identification number  
69.26 and federal employer identification number;

69.27 (3) a letter signed by the manager, administrator, or other executive of the government  
69.28 entity authorizing the submission of the license application;

69.29 (4) if applicable, the applicant's National Provider Identifier (NPI) number and Unique  
69.30 Minnesota Provider Identifier (UMPI) number; and

69.31 (5) first, middle, and last name; mailing address; e-mail address; and signature of the  
69.32 authorized agent for each license issued to the government entity. A government entity that

70.1 holds multiple licenses under this chapter may designate one authorized agent for all licenses  
 70.2 issued under this chapter or may designate a different authorized agent for each license.

70.3 ~~(h)~~ (i) At the time of application for licensure or renewal of a license under this chapter,  
 70.4 the applicant or license holder must acknowledge on the form provided by the commissioner  
 70.5 if the applicant or license holder elects to receive any public funding reimbursement from  
 70.6 the commissioner for services provided under the license that:

70.7 (1) the applicant's or license holder's compliance with the provider enrollment agreement  
 70.8 or registration requirements for receipt of public funding may be monitored by the  
 70.9 commissioner as part of a licensing investigation or licensing inspection; and

70.10 (2) noncompliance with the provider enrollment agreement or registration requirements  
 70.11 for receipt of public funding that is identified through a licensing investigation or licensing  
 70.12 inspection, or noncompliance with a licensing requirement that is a basis of enrollment for  
 70.13 reimbursement for a service, may result in:

70.14 (i) a correction order or a conditional license under section 245A.06, or sanctions under  
 70.15 ~~section~~ sections 245A.045 and 245A.07;

70.16 (ii) nonpayment of claims submitted by the license holder for public program  
 70.17 reimbursement;

70.18 (iii) recovery of payments made for the service;

70.19 (iv) disenrollment in the public payment program; or

70.20 (v) other administrative, civil, or criminal penalties as provided by law.

70.21 **EFFECTIVE DATE.** This section is effective August 1, 2017.

70.22 Sec. 7. Minnesota Statutes 2016, section 245A.07, subdivision 1, is amended to read:

70.23 Subdivision 1. **Sanctions; appeals; license; inactive programs.** (a) In addition to  
 70.24 making a license conditional under section 245A.06, the commissioner may suspend or  
 70.25 revoke the license, impose a fine, or secure an injunction against the continuing operation  
 70.26 of the program of a license holder who does not comply with applicable law or rule. When  
 70.27 applying sanctions authorized under this section, the commissioner shall consider the nature,  
 70.28 chronicity, or severity of the violation of law or rule and the effect of the violation on the  
 70.29 health, safety, or rights of persons served by the program.

70.30 (b) If a license holder appeals the suspension or revocation of a license and the license  
 70.31 holder continues to operate the program pending a final order on the appeal, the commissioner  
 70.32 shall issue the license holder a temporary provisional license. Unless otherwise specified

71.1 by the commissioner, variances in effect on the date of the license sanction under appeal  
 71.2 continue under the temporary provisional license. If a license holder fails to comply with  
 71.3 applicable law or rule while operating under a temporary provisional license, the  
 71.4 commissioner may impose additional sanctions under this section and section 245A.06, and  
 71.5 may terminate any prior variance. If a temporary provisional license is set to expire, a new  
 71.6 temporary provisional license shall be issued to the license holder upon payment of any fee  
 71.7 required under section 245A.10. The temporary provisional license shall expire on the date  
 71.8 the final order is issued. If the license holder prevails on the appeal, a new nonprovisional  
 71.9 license shall be issued for the remainder of the current license period.

71.10 (c) If a license holder is under investigation and the license issued under this chapter is  
 71.11 due to expire before completion of the investigation, the program shall be issued a new  
 71.12 license upon completion of the reapplication requirements and payment of any applicable  
 71.13 license fee. Upon completion of the investigation, a licensing sanction may be imposed  
 71.14 against the new license under this section, section 245A.06, or 245A.08.

71.15 (d) Failure to reapply or closure of a license issued under this chapter by the license  
 71.16 holder prior to the completion of any investigation shall not preclude the commissioner  
 71.17 from issuing a licensing sanction under this section, or section 245A.06, or 245A.08  
 71.18 245A.045 or 245A.06 at the conclusion of the investigation.

71.19 (e) The commissioner may suspend, revoke, or close a license when the commissioner  
 71.20 determines that a licensed program has not been serving any clients for a consecutive period  
 71.21 of 12 months or longer. The commissioner need not consider nature, severity, or chronicity  
 71.22 of the act when suspending, revoking, or closing a license under this provision.

71.23 **EFFECTIVE DATE.** This section is effective August 1, 2017.

71.24 Sec. 8. Minnesota Statutes 2016, section 245A.07, subdivision 2, is amended to read:

71.25 Subd. 2. **Temporary immediate suspension.** (a) The commissioner shall act immediately  
 71.26 to temporarily suspend a license issued under this chapter if:

71.27 (1) the license holder's actions or failure to comply with applicable law or rule, or the  
 71.28 actions of other individuals or conditions in the program, pose an imminent risk of harm to  
 71.29 the health, safety, or rights of persons served by the program; ~~or~~

71.30 (2) while the program continues to operate pending an appeal of an order of revocation,  
 71.31 the commissioner identifies one or more subsequent violations of law or rule which may  
 71.32 adversely affect the health or safety of persons served by the program; or

72.1 (3) the license holder has been criminally charged in state or federal court with an offense  
 72.2 that involves fraud or theft against a program administered by the commissioner.

72.3 (b) No state funds shall be made available or be expended by any agency or department  
 72.4 of state, county, or municipal government for use by a license holder regulated under this  
 72.5 chapter while a license issued under this chapter is under immediate suspension. A notice  
 72.6 stating the reasons for the immediate suspension and informing the license holder of the  
 72.7 right to an expedited hearing under chapter 14 and Minnesota Rules, parts 1400.8505 to  
 72.8 1400.8612, must be delivered by personal service to the address shown on the application  
 72.9 or the last known address of the license holder. The license holder may appeal an order  
 72.10 immediately suspending a license. The appeal of an order immediately suspending a license  
 72.11 must be made in writing by certified mail ~~or~~, by personal service, or by other means expressly  
 72.12 set forth in the commissioner's order. If mailed, the appeal must be postmarked and sent to  
 72.13 the commissioner within five calendar days after the license holder receives notice that the  
 72.14 license has been immediately suspended. If a request is made by personal service, it must  
 72.15 be received by the commissioner within five calendar days after the license holder received  
 72.16 the order. A license holder and any controlling individual shall discontinue operation of the  
 72.17 program upon receipt of the commissioner's order to immediately suspend the license.

72.18 **EFFECTIVE DATE.** This section is effective August 1, 2017.

72.19 Sec. 9. Minnesota Statutes 2016, section 245A.07, subdivision 2a, is amended to read:

72.20 Subd. 2a. **Immediate suspension expedited hearing.** (a) Within five working days of  
 72.21 receipt of the license holder's timely appeal, the commissioner shall request assignment of  
 72.22 an administrative law judge. The request must include a proposed date, time, and place of  
 72.23 a hearing. A hearing must be conducted by an administrative law judge within 30 calendar  
 72.24 days of the request for assignment, unless an extension is requested by either party and  
 72.25 granted by the administrative law judge for good cause. The commissioner shall issue a  
 72.26 notice of hearing by certified mail or personal service at least ten working days before the  
 72.27 hearing. The scope of the hearing shall be limited solely to the issue of whether the temporary  
 72.28 immediate suspension should remain in effect pending the commissioner's final order under  
 72.29 section 245A.08, regarding a licensing sanction issued under subdivision 3 following the  
 72.30 immediate suspension. For suspensions under subdivision 2, paragraph (a), clause (1), the  
 72.31 burden of proof in expedited hearings under this subdivision shall be limited to the  
 72.32 commissioner's demonstration that reasonable cause exists to believe that the license holder's  
 72.33 actions or failure to comply with applicable law or rule poses, or the actions of other  
 72.34 individuals or conditions in the program poses an imminent risk of harm to the health, safety,

73.1 or rights of persons served by the program. "Reasonable cause" means there exist specific  
73.2 articulable facts or circumstances which provide the commissioner with a reasonable  
73.3 suspicion that there is an imminent risk of harm to the health, safety, or rights of persons  
73.4 served by the program. When the commissioner has determined there is reasonable cause  
73.5 to order the temporary immediate suspension of a license based on a violation of safe sleep  
73.6 requirements, as defined in section 245A.1435, the commissioner is not required to  
73.7 demonstrate that an infant died or was injured as a result of the safe sleep violations. For  
73.8 suspensions under subdivision 2, paragraph (a), clause (2), the burden of proof in expedited  
73.9 hearings under this subdivision shall be limited to the commissioner's demonstration by a  
73.10 preponderance of evidence that, since the license was revoked, the license holder committed  
73.11 additional violations of law or rule which may adversely affect the health or safety of persons  
73.12 served by the program.

73.13 (b) The administrative law judge shall issue findings of fact, conclusions, and a  
73.14 recommendation within ten working days from the date of hearing. The parties shall have  
73.15 ten calendar days to submit exceptions to the administrative law judge's report. The record  
73.16 shall close at the end of the ten-day period for submission of exceptions. The commissioner's  
73.17 final order shall be issued within ten working days from the close of the record. When an  
73.18 appeal of a temporary immediate suspension is withdrawn or dismissed, the commissioner  
73.19 shall issue a final order affirming the temporary immediate suspension within ten calendar  
73.20 days of the commissioner's receipt of the withdrawal or dismissal. Within 90 calendar days  
73.21 after a final order affirming an immediate suspension, the commissioner shall make a  
73.22 determination regarding whether a final licensing sanction shall be issued under subdivision  
73.23 3. The license holder shall continue to be prohibited from operation of the program during  
73.24 this 90-day period.

73.25 (c) When the final order under paragraph (b) affirms an immediate suspension, and a  
73.26 final licensing sanction is issued under subdivision 3 and the license holder appeals that  
73.27 sanction, the license holder continues to be prohibited from operation of the program pending  
73.28 a final commissioner's order under section 245A.08, subdivision 5, regarding the final  
73.29 licensing sanction. For suspensions under subdivision 2, paragraph (a), clause (3), the burden  
73.30 of proof in expedited hearings under this subdivision shall be limited to the commissioner's  
73.31 demonstration by a preponderance of evidence that a criminal complaint and warrant or  
73.32 summons has been issued against the license holder that has not been dismissed, and that  
73.33 the criminal charge is an offense that involves fraud or theft against a program administered  
73.34 by the commissioner.

74.1 Sec. 10. Minnesota Statutes 2016, section 245A.07, subdivision 3, is amended to read:

74.2 Subd. 3. **License suspension, revocation, or fine.** (a) The commissioner may suspend  
74.3 or revoke a license, or impose a fine if:

74.4 (1) a license holder fails to comply fully with applicable laws or rules including, but not  
74.5 limited to, this chapter and chapters 119B and 245C;

74.6 (2) a license holder, a controlling individual, or an individual living in the household  
74.7 where the licensed services are provided or is otherwise subject to a background study has  
74.8 a disqualification which has not been set aside under section 245C.22;

74.9 (3) a license holder knowingly withholds relevant information from or gives false or  
74.10 misleading information to the commissioner in connection with an application for a license,  
74.11 in connection with the background study status of an individual, during an investigation,  
74.12 or regarding compliance with applicable laws or rules; or

74.13 (4) ~~after July 1, 2012, and upon request by the commissioner, a license holder fails to~~  
74.14 ~~submit the information required of an applicant under section 245A.04, subdivision 1,~~  
74.15 ~~paragraph (f) or (g)~~ a license holder is prohibited from holding a license according to section  
74.16 245.095.

74.17 A license holder who has had a license issued under this chapter suspended, revoked,  
74.18 or has been ordered to pay a fine must be given notice of the action by certified mail or  
74.19 personal service. If mailed, the notice must be mailed to the address shown on the application  
74.20 or the last known address of the license holder. The notice must state the reasons the license  
74.21 was suspended, revoked, or a fine was ordered.

74.22 (b) If the license was suspended or revoked, the notice must inform the license holder  
74.23 of the right to a contested case hearing under chapter 14 and Minnesota Rules, parts  
74.24 1400.8505 to 1400.8612. The license holder may appeal an order suspending or revoking  
74.25 a license. The appeal of an order suspending or revoking a license must be made in writing  
74.26 by certified mail or personal service. If mailed, the appeal must be postmarked and sent to  
74.27 the commissioner within ten calendar days after the license holder receives notice that the  
74.28 license has been suspended or revoked. If a request is made by personal service, it must be  
74.29 received by the commissioner within ten calendar days after the license holder received the  
74.30 order. Except as provided in subdivision 2a, paragraph (c), if a license holder submits a  
74.31 timely appeal of an order suspending or revoking a license, the license holder may continue  
74.32 to operate the program as provided in section 245A.04, subdivision 7, paragraphs ~~(g)~~ (f)  
74.33 ~~and (h)~~ (g), until the commissioner issues a final order on the suspension or revocation.

75.1 (c)(1) If the license holder was ordered to pay a fine, the notice must inform the license  
75.2 holder of the responsibility for payment of fines and the right to a contested case hearing  
75.3 under chapter 14 and Minnesota Rules, parts 1400.8505 to 1400.8612. The appeal of an  
75.4 order to pay a fine must be made in writing by certified mail or personal service. If mailed,  
75.5 the appeal must be postmarked and sent to the commissioner within ten calendar days after  
75.6 the license holder receives notice that the fine has been ordered. If a request is made by  
75.7 personal service, it must be received by the commissioner within ten calendar days after  
75.8 the license holder received the order.

75.9 (2) The license holder shall pay the fines assessed on or before the payment date specified.  
75.10 If the license holder fails to fully comply with the order, the commissioner may issue a  
75.11 second fine or suspend the license until the license holder complies. If the license holder  
75.12 receives state funds, the state, county, or municipal agencies or departments responsible for  
75.13 administering the funds shall withhold payments and recover any payments made while the  
75.14 license is suspended for failure to pay a fine. A timely appeal shall stay payment of the fine  
75.15 until the commissioner issues a final order.

75.16 (3) A license holder shall promptly notify the commissioner of human services, in writing,  
75.17 when a violation specified in the order to forfeit a fine is corrected. If upon reinspection the  
75.18 commissioner determines that a violation has not been corrected as indicated by the order  
75.19 to forfeit a fine, the commissioner may issue a second fine. The commissioner shall notify  
75.20 the license holder by certified mail or personal service that a second fine has been assessed.  
75.21 The license holder may appeal the second fine as provided under this subdivision.

75.22 (4) Fines shall be assessed as follows: the license holder shall forfeit \$1,000 for each  
75.23 determination of maltreatment of a child under section 626.556 or the maltreatment of a  
75.24 vulnerable adult under section 626.557 for which the license holder is determined responsible  
75.25 for the maltreatment under section 626.556, subdivision 10e, paragraph (i), or 626.557,  
75.26 subdivision 9c, paragraph (c); the license holder shall forfeit \$200 for each occurrence of  
75.27 a violation of law or rule governing matters of health, safety, or supervision, including but  
75.28 not limited to the provision of adequate staff-to-child or adult ratios, and failure to comply  
75.29 with background study requirements under chapter 245C; and the license holder shall forfeit  
75.30 \$100 for each occurrence of a violation of law or rule other than those subject to a \$1,000  
75.31 or \$200 fine above. For purposes of this section, "occurrence" means each violation identified  
75.32 in the commissioner's fine order. Fines assessed against a license holder that holds a license  
75.33 to provide home and community-based services, as identified in section 245D.03, subdivision  
75.34 1, and a community residential setting or day services facility license under chapter 245D  
75.35 where the services are provided, may be assessed against both licenses for the same

76.1 occurrence, but the combined amount of the fines shall not exceed the amount specified in  
76.2 this clause for that occurrence.

76.3 (5) When a fine has been assessed, the license holder may not avoid payment by closing,  
76.4 selling, or otherwise transferring the licensed program to a third party. In such an event, the  
76.5 license holder will be personally liable for payment. In the case of a corporation, each  
76.6 controlling individual is personally and jointly liable for payment.

76.7 (d) Except for background study violations involving the failure to comply with an order  
76.8 to immediately remove an individual or an order to provide continuous, direct supervision,  
76.9 the commissioner shall not issue a fine under paragraph (c) relating to a background study  
76.10 violation to a license holder who self-corrects a background study violation before the  
76.11 commissioner discovers the violation. A license holder who has previously exercised the  
76.12 provisions of this paragraph to avoid a fine for a background study violation may not avoid  
76.13 a fine for a subsequent background study violation unless at least 365 days have passed  
76.14 since the license holder self-corrected the earlier background study violation.

76.15 **EFFECTIVE DATE.** This section is effective August 1, 2017.

76.16 Sec. 11. Minnesota Statutes 2016, section 245A.08, subdivision 3, is amended to read:

76.17 Subd. 3. **Burden of proof.** (a) At a hearing regarding a licensing sanction under section  
76.18 245A.07, including consolidated hearings under subdivision 2a, the commissioner may  
76.19 demonstrate reasonable cause for action taken by submitting statements, reports, or affidavits  
76.20 to substantiate the allegations that the license holder failed to comply fully with applicable  
76.21 law or rule. If the commissioner demonstrates that reasonable cause existed, the burden of  
76.22 proof shifts to the license holder to demonstrate by a preponderance of the evidence that  
76.23 the license holder was in full compliance with those laws or rules that the commissioner  
76.24 alleges the license holder violated, at the time that the commissioner alleges the violations  
76.25 of law or rules occurred.

76.26 (b) At a hearing on denial of an application for a license or to convert a provisional  
76.27 license issued under section 245A.045 into a license, the applicant bears the burden of proof  
76.28 to demonstrate by a preponderance of the evidence that the appellant has complied fully  
76.29 with this chapter and other applicable law or rule and that the application should be approved  
76.30 and a license granted.

76.31 **EFFECTIVE DATE.** This section is effective August 1, 2017.

77.1 Sec. 12. Minnesota Statutes 2016, section 245C.02, subdivision 5, is amended to read:

77.2 Subd. 5. **Background study.** "Background study" means the review of records conducted  
77.3 by the commissioner to determine whether a subject is disqualified from direct contact with  
77.4 persons served by a program and, where specifically provided in statutes, whether a subject  
77.5 is disqualified from having access to persons served by a program. If required by law, the  
77.6 background study must include a national criminal history record check.

77.7 **EFFECTIVE DATE.** This section is effective the day following final enactment.

77.8 Sec. 13. Minnesota Statutes 2016, section 245C.02, is amended by adding a subdivision  
77.9 to read:

77.10 Subd. 5a. **National criminal history record check.** "National criminal history record  
77.11 check" means a check of records maintained by the Federal Bureau of Investigation through  
77.12 submission of fingerprints through the Minnesota Bureau of Criminal Apprehension to the  
77.13 Federal Bureau of Investigation, when specifically required by law.

77.14 **EFFECTIVE DATE.** This section is effective the day following final enactment.

77.15 Sec. 14. Minnesota Statutes 2016, section 245C.02, is amended by adding a subdivision  
77.16 to read:

77.17 Subd. 5b. **National criminal records repository.** For purposes of background studies  
77.18 conducted under this chapter, "national criminal records repository" refers to the Federal  
77.19 Bureau of Investigation.

77.20 **EFFECTIVE DATE.** This section is effective the day following final enactment.

77.21 Sec. 15. Minnesota Statutes 2016, section 245C.02, subdivision 13b, is amended to read:

77.22 Subd. 13b. **NETStudy 2.0.** "NETStudy 2.0" means the commissioner's system that  
77.23 replaces both NETStudy and the department's internal background study processing system.  
77.24 NETStudy 2.0 is designed to enhance protection of children and vulnerable adults by  
77.25 improving the accuracy of background studies through fingerprint-based criminal record  
77.26 checks and expanding the background studies to include a review of information from the  
77.27 Minnesota Court Information System and ~~the national crime information database~~ a national  
77.28 criminal history record check. NETStudy 2.0 is also designed to increase efficiencies in and  
77.29 the speed of the hiring process by:

77.30 (1) providing access to and updates from public Web-based data related to employment  
77.31 eligibility;

78.1 (2) decreasing the need for repeat studies through electronic updates of background  
78.2 study subjects' criminal records;

78.3 (3) supporting identity verification using subjects' Social Security numbers and  
78.4 photographs;

78.5 (4) using electronic employer notifications; and

78.6 (5) issuing immediate verification of subjects' eligibility to provide services as more  
78.7 studies are completed under the NETStudy 2.0 system.

78.8 **EFFECTIVE DATE.** This section is effective the day following final enactment.

78.9 Sec. 16. Minnesota Statutes 2016, section 245C.05, subdivision 1, is amended to read:

78.10 Subdivision 1. **Individual studied.** (a) The individual who is the subject of the  
78.11 background study must provide the applicant, license holder, or other entity under section  
78.12 245C.04 with sufficient information to ensure an accurate study, including:

78.13 (1) the individual's first, middle, and last name and all other names by which the  
78.14 individual has been known;

78.15 (2) current home address, city, and state of residence;

78.16 (3) current zip code;

78.17 (4) sex;

78.18 (5) date of birth;

78.19 (6) driver's license number or state identification number; and

78.20 (7) upon implementation of NETStudy 2.0, the home address, city, county, and state of  
78.21 residence for the past five years.

78.22 (b) Every subject of a background study conducted or initiated by counties or private  
78.23 agencies under this chapter must also provide the home address, city, county, and state of  
78.24 residence for the past five years.

78.25 (c) Every subject of a background study related to private agency adoptions or related  
78.26 to child foster care licensed through a private agency, who is 18 years of age or older, shall  
78.27 also provide the commissioner a signed consent for the release of any information received  
78.28 ~~from national crime information databases~~ following a national criminal history record  
78.29 check to the private agency that initiated the background study.

79.1 (d) The subject of a background study shall provide fingerprints and a photograph as  
79.2 required in subdivision 5.

79.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.

79.4 Sec. 17. Minnesota Statutes 2016, section 245C.05, subdivision 5, is amended to read:

79.5 Subd. 5. **Fingerprints and photograph.** (a) Before the implementation of NETStudy  
79.6 2.0, except as provided in paragraph (c), for any background study completed under this  
79.7 chapter, when the commissioner has reasonable cause to believe that further pertinent  
79.8 information may exist on the subject of the background study, the subject shall provide the  
79.9 commissioner with a set of classifiable fingerprints obtained from an authorized agency for  
79.10 a national criminal history record check.

79.11 (b) Before the implementation of NETStudy 2.0, for purposes of requiring fingerprints  
79.12 for a national criminal history record check, the commissioner has reasonable cause when,  
79.13 but not limited to, the:

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

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

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

79.20 (c) Notwithstanding paragraph (d), for background studies conducted by the commissioner  
79.21 for child foster care, adoptions, or a transfer of permanent legal and physical custody of a  
79.22 child, the subject of the background study, who is 18 years of age or older, shall provide  
79.23 the commissioner with a set of classifiable fingerprints obtained from an authorized agency  
79.24 for a national criminal history record check.

79.25 (d) For background studies initiated on or after the implementation of NETStudy 2.0,  
79.26 every subject of a background study must provide the commissioner with a set of the  
79.27 background study subject's classifiable fingerprints and photograph. The photograph and  
79.28 fingerprints must be recorded at the same time by the commissioner's authorized fingerprint  
79.29 collection vendor and sent to the commissioner through the commissioner's secure data  
79.30 system described in section 245C.32, subdivision 1a, paragraph (b). The fingerprints shall  
79.31 not be retained by the Department of Public Safety, Bureau of Criminal Apprehension, or  
79.32 the commissioner, but will be retained by the Federal Bureau of Investigation. The  
79.33 commissioner's authorized fingerprint collection vendor shall, for purposes of verifying the

80.1 identity of the background study subject, be able to view the identifying information entered  
 80.2 into NETStudy 2.0 by the entity that initiated the background study, but shall not retain the  
 80.3 subject's fingerprints, photograph, or information from NETStudy 2.0. The authorized  
 80.4 fingerprint collection vendor shall retain no more than the name and date and time the  
 80.5 subject's fingerprints were recorded and sent, only as necessary for auditing and billing  
 80.6 activities.

80.7 **EFFECTIVE DATE.** This section is effective the day following final enactment.

80.8 Sec. 18. Minnesota Statutes 2016, section 245C.08, subdivision 1, is amended to read:

80.9 Subdivision 1. **Background studies conducted by Department of Human Services.**

80.10 (a) For a background study conducted by the Department of Human Services, the  
 80.11 commissioner shall review:

80.12 (1) information related to names of substantiated perpetrators of maltreatment of  
 80.13 vulnerable adults that has been received by the commissioner as required under section  
 80.14 626.557, subdivision 9c, paragraph (j);

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

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

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

80.23 (5) except as provided in clause (6), information ~~from the national crime information~~  
 80.24 ~~system~~ received as a result of a national criminal history record check when the commissioner  
 80.25 has reasonable cause as defined under section 245C.05, subdivision 5, or as required under  
 80.26 section 144.057, subdivision 1, clause (2); and

80.27 (6) for a background study related to a child foster care application for licensure, a  
 80.28 transfer of permanent legal and physical custody of a child under sections 260C.503 to  
 80.29 260C.515, or adoptions, the commissioner shall also review:

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

81.1 (ii) ~~information from national crime information databases~~, when the background study  
 81.2 subject is 18 years of age or older, information received from a national criminal history  
 81.3 record check.

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

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

81.12 (d) When the commissioner has reasonable cause to believe that the identity of a  
 81.13 background study subject is uncertain, the commissioner may require the subject to provide  
 81.14 a set of classifiable fingerprints for purposes of completing a fingerprint-based record check  
 81.15 with the Bureau of Criminal Apprehension. Fingerprints collected under this paragraph  
 81.16 shall not be saved by the commissioner after they have been used to verify the identity of  
 81.17 the background study subject against the particular criminal record in question.

81.18 (e) The commissioner may inform the entity that initiated a background study under  
 81.19 NETStudy 2.0 of the status of processing of the subject's fingerprints.

81.20 **EFFECTIVE DATE.** This section is effective the day following final enactment.

81.21 Sec. 19. Minnesota Statutes 2016, section 245C.08, subdivision 3, is amended to read:

81.22 Subd. 3. **Arrest and investigative information.** (a) For any background study completed  
 81.23 under this section, if the commissioner has reasonable cause to believe the information is  
 81.24 pertinent to the disqualification of an individual, the commissioner also may review arrest  
 81.25 and investigative information from:

81.26 (1) the Bureau of Criminal Apprehension;

81.27 (2) the commissioner of health;

81.28 (3) a county attorney;

81.29 (4) a county sheriff;

81.30 (5) a county agency;

81.31 (6) a local chief of police;

82.1 (7) other states;

82.2 (8) the courts;

82.3 (9) the Federal Bureau of Investigation received by the commissioner following a national  
82.4 criminal history record check;

82.5 (10) the National Criminal Records Repository; and

82.6 (11) criminal records from other states.

82.7 (b) The commissioner is not required to conduct more than one review of a subject's  
82.8 records from the Federal Bureau of Investigation if a ~~review of the subject's criminal history~~  
82.9 ~~with the Federal Bureau of Investigation~~ national criminal history record check has already  
82.10 been completed by the commissioner and there has been no break in the subject's affiliation  
82.11 with the license holder who initiated the background study.

82.12 **EFFECTIVE DATE.** This section is effective the day following final enactment.

82.13 Sec. 20. Minnesota Statutes 2016, section 245C.12, is amended to read:

82.14 **245C.12 BACKGROUND STUDY; TRIBAL ORGANIZATIONS.**

82.15 (a) For the purposes of background studies completed by tribal organizations performing  
82.16 licensing activities otherwise required of the commissioner under this chapter, after obtaining  
82.17 consent from the background study subject, tribal licensing agencies shall have access to  
82.18 criminal history data in the same manner as county licensing agencies and private licensing  
82.19 agencies under this chapter.

82.20 (b) Tribal organizations may contract with the commissioner to obtain background study  
82.21 data on individuals under tribal jurisdiction related to adoptions according to section 245C.34.  
82.22 Tribal organizations may also contract with the commissioner to obtain background study  
82.23 data on individuals under tribal jurisdiction related to child foster care according to section  
82.24 245C.34.

82.25 (c) For the purposes of background studies completed to comply with a tribal  
82.26 organization's licensing requirements for individuals affiliated with a tribally licensed nursing  
82.27 facility, the commissioner shall obtain criminal history data from the ~~National Criminal~~  
82.28 ~~Records Repository~~ national criminal history record check in accordance with section  
82.29 245C.32.

82.30 **EFFECTIVE DATE.** This section is effective the day following final enactment.

83.1 Sec. 21. Minnesota Statutes 2016, section 245C.32, subdivision 1a, is amended to read:

83.2 Subd. 1a. **NETStudy 2.0 system.** (a) The commissioner shall design, develop, and test  
83.3 the NETStudy 2.0 system and implement it no later than September 1, 2015.

83.4 (b) The NETStudy 2.0 system developed and implemented by the commissioner shall  
83.5 incorporate and meet all applicable data security standards and policies required by the  
83.6 Federal Bureau of Investigation (FBI), Department of Public Safety, Bureau of Criminal  
83.7 Apprehension, and the Office of MN.IT Services. The system shall meet all required  
83.8 standards for encryption of data at the database level as well as encryption of data that  
83.9 travels electronically among agencies initiating background studies, the commissioner's  
83.10 authorized fingerprint collection vendor, the commissioner, the Bureau of Criminal  
83.11 Apprehension, and in cases involving national criminal history record checks, the FBI.

83.12 (c) The data system developed and implemented by the commissioner shall incorporate  
83.13 a system of data security that allows the commissioner to control access to the data field  
83.14 level by the commissioner's employees. The commissioner shall establish that employees  
83.15 have access to the minimum amount of private data on any individual as is necessary to  
83.16 perform their duties under this chapter.

83.17 (d) The commissioner shall oversee regular quality and compliance audits of the  
83.18 authorized fingerprint collection vendor.

83.19 **EFFECTIVE DATE.** This section is effective the day following final enactment.

83.20 Sec. 22. Minnesota Statutes 2016, section 245C.32, subdivision 2, is amended to read:

83.21 Subd. 2. **Use.** (a) The commissioner may also use these systems and records to obtain  
83.22 and provide criminal history data from the Bureau of Criminal Apprehension, criminal  
83.23 history data held by the commissioner, and data about substantiated maltreatment under  
83.24 section 626.556 or 626.557, for other purposes, provided that:

83.25 (1) the background study is specifically authorized in statute; or

83.26 (2) the request is made with the informed consent of the subject of the study as provided  
83.27 in section 13.05, subdivision 4.

83.28 (b) An individual making a request under paragraph (a), clause (2), must agree in writing  
83.29 not to disclose the data to any other individual without the consent of the subject of the data.

83.30 (c) The commissioner may recover the cost of obtaining and providing background study  
83.31 data by charging the individual or entity requesting the study a fee of no more than \$20 per

84.1 study. The fees collected under this paragraph are appropriated to the commissioner for the  
84.2 purpose of conducting background studies.

84.3 (d) The commissioner shall recover the cost of obtaining background study data required  
84.4 under section 524.5-118 through a fee of \$50 per study for an individual who has not lived  
84.5 outside Minnesota for the past ten years, and a fee of \$100 for an individual who has resided  
84.6 outside of Minnesota for any period during the ten years preceding the background study.  
84.7 The commissioner shall recover, from the individual, any additional fees charged by other  
84.8 states' licensing agencies that are associated with these data requests. Fees under subdivision  
84.9 3 also apply when ~~criminal history data from the National Criminal Records Repository is~~  
84.10 ~~required~~, as required by law, the background study includes a national criminal history  
84.11 record check.

84.12 **EFFECTIVE DATE.** This section is effective the day following final enactment.

84.13 Sec. 23. Minnesota Statutes 2016, section 245C.32, subdivision 3, is amended to read:

84.14 Subd. 3. **National records search.** (a) When specifically required by statute, the  
84.15 ~~commissioner shall also obtain criminal history data from the National Criminal Records~~  
84.16 ~~Repository~~ background study shall include a national criminal history record check.

84.17 (b) To obtain criminal history data from the ~~National Criminal Records Repository~~  
84.18 Federal Bureau of Investigation, the commissioner shall require classifiable fingerprints of  
84.19 the data subject and must submit these fingerprint requests through the Bureau of Criminal  
84.20 Apprehension.

84.21 (c) The commissioner may require the background study subject to submit fingerprint  
84.22 images electronically. The commissioner may not require electronic fingerprint images until  
84.23 the electronic recording and transfer system is available for noncriminal justice purposes  
84.24 and the necessary equipment is in use in the law enforcement agency in the background  
84.25 study subject's local community.

84.26 (d) The commissioner may recover the cost of obtaining ~~and providing~~ criminal history  
84.27 ~~data from the National Criminal Records Repository~~, including a national criminal history  
84.28 record check, by charging the individual or entity requesting the study a fee of no more than  
84.29 \$30 per study. The fees collected under this subdivision are appropriated to the commissioner  
84.30 for the purpose of ~~obtaining criminal history data from the National Criminal Records~~  
84.31 ~~Repository~~ a national criminal history record check.

84.32 **EFFECTIVE DATE.** This section is effective the day following final enactment.

85.1 Sec. 24. Minnesota Statutes 2016, section 245C.33, subdivision 4, is amended to read:

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

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

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

85.7 (3) information ~~from national crime information databases~~ received following a national  
85.8 criminal history record check, when required under section 245C.08.

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

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

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

85.18 **EFFECTIVE DATE.** This section is effective the day following final enactment.

85.19 Sec. 25. Minnesota Statutes 2016, section 245C.34, subdivision 4, is amended to read:

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

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

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

85.25 (3) information from ~~national crime information databases~~ a national criminal history  
85.26 record check, when required under section 245C.08.

85.27 (b) The commissioner shall provide any information collected under this subdivision to  
85.28 the tribal organization that initiated the background study. The commissioner shall indicate  
85.29 if the information collected shows that the subject of the background study has a conviction  
85.30 listed in United States Code, title 42, section 671(a)(20)(A).

85.31 **EFFECTIVE DATE.** This section is effective the day following final enactment.

86.1 Sec. 26. Minnesota Statutes 2016, section 245D.10, subdivision 3a, is amended to read:

86.2 Subd. 3a. **Service termination.** (a) The license holder must establish policies and  
86.3 procedures for service termination that promote continuity of care and service coordination  
86.4 with the person and the case manager and with other licensed caregivers, if any, who also  
86.5 provide support to the person. The policy must include the requirements specified in  
86.6 paragraphs (b) to (f).

86.7 (b) The license holder must permit each person to remain in the program and must not  
86.8 terminate services unless:

86.9 (1) the termination is necessary for the person's welfare and the person's needs cannot  
86.10 be met in the facility;

86.11 (2) the safety of the person or others in the program is endangered and positive support  
86.12 strategies were attempted and have not achieved and effectively maintained safety for the  
86.13 person or others;

86.14 (3) the health of the person or others in the program would otherwise be endangered;

86.15 (4) the program has not been paid for services;

86.16 (5) the program ceases to operate; or

86.17 (6) the person has been terminated by the lead agency from waiver eligibility.

86.18 (c) Prior to giving notice of service termination, the license holder must document actions  
86.19 taken to minimize or eliminate the need for termination. Action taken by the license holder  
86.20 must include, at a minimum:

86.21 (1) consultation with the person's support team or expanded support team to identify  
86.22 and resolve issues leading to issuance of the notice; and

86.23 (2) a request to the case manager for intervention services identified in section 245D.03,  
86.24 subdivision 1, paragraph (c), clause (1), or other professional consultation or intervention  
86.25 services to support the person in the program. This requirement does not apply to notices  
86.26 of service termination issued under paragraph (b), clause (4) or (5).

86.27 If, based on the best interests of the person, the circumstances at the time of the notice were  
86.28 such that the license holder was unable to take the action specified in clauses (1) and (2),  
86.29 the license holder must document the specific circumstances and the reason for being unable  
86.30 to do so.

86.31 (d) The notice of service termination must meet the following requirements:

87.1 (1) the license holder must notify the person or the person's legal representative and the  
 87.2 case manager in writing of the intended service termination. If the service termination is  
 87.3 from residential supports and services as defined in section 245D.03, subdivision 1, paragraph  
 87.4 (c), clause (3), the license holder must also notify the commissioner in writing; and

87.5 (2) the notice must include:

87.6 (i) the reason for the action;

87.7 (ii) except for a service termination under paragraph (b), clause (4) or (5), a summary  
 87.8 of actions taken to minimize or eliminate the need for service termination or temporary  
 87.9 service suspension as required under paragraph (c), and why these measures failed to prevent  
 87.10 the termination or suspension;

87.11 (iii) the person's right to appeal the termination of services under section 256.045,  
 87.12 subdivision 3, paragraph (a); and

87.13 (iv) the person's right to seek a temporary order staying the termination of services  
 87.14 according to the procedures in section 256.045, subdivision 4a or 6, paragraph (c).

87.15 (e) Notice of the proposed termination of service, including those situations that began  
 87.16 with a temporary service suspension, must be given at least 60 days prior to termination  
 87.17 when a license holder is providing intensive supports and services identified in section  
 87.18 245D.03, subdivision 1, paragraph (c), and 30 days prior to termination for all other services  
 87.19 licensed under this chapter. This notice may be given in conjunction with a notice of  
 87.20 temporary service suspension under subdivision 3.

87.21 (f) During the service termination notice period, the license holder must:

87.22 (1) work with the support team or expanded support team to develop reasonable  
 87.23 alternatives to protect the person and others and to support continuity of care;

87.24 (2) provide information requested by the person or case manager; and

87.25 (3) maintain information about the service termination, including the written notice of  
 87.26 intended service termination, in the service recipient record.

87.27 **EFFECTIVE DATE.** This section is effective the day following final enactment.

87.28 Sec. 27. Minnesota Statutes 2016, section 256.01, subdivision 18d, is amended to read:

87.29 Subd. 18d. **Data sharing with Department of Human Services; multiple identification**  
 87.30 **cards.** (a) The commissioner of public safety shall, on a monthly basis, provide the  
 87.31 commissioner of human services with the first, middle, and last name, the address, date of

88.1 birth, driver's license or state identification card number, Social Security or taxpayer  
88.2 identification number, and all photographs or electronically produced images of all applicants  
88.3 and holders whose drivers' licenses and state identification cards have been canceled under  
88.4 section 171.14, paragraph (a), clause (2) or (3), by the commissioner of public safety. After  
88.5 the initial data report has been provided by the commissioner of public safety to the  
88.6 commissioner of human services under this paragraph, subsequent reports shall only include  
88.7 cancellations that occurred after the end date of the cancellations represented in the previous  
88.8 data report.

88.9 (b) The commissioner of human services shall compare the information provided under  
88.10 paragraph (a) with the commissioner's data regarding recipients of all public assistance  
88.11 programs managed by the Department of Human Services to determine whether any  
88.12 individual with multiple identification cards issued by the Department of Public Safety has  
88.13 illegally or improperly enrolled in any public assistance program managed by the Department  
88.14 of Human Services.

88.15 (c) If the commissioner of human services determines that an applicant or recipient has  
88.16 illegally or improperly enrolled in any public assistance program, the commissioner shall  
88.17 provide all due process protections to the individual before terminating the individual from  
88.18 the program according to applicable statute and notifying the county attorney.

88.19 **EFFECTIVE DATE.** This section is effective the day following final enactment.

88.20 Sec. 28. Minnesota Statutes 2016, section 256.01, subdivision 18e, is amended to read:

88.21 Subd. 18e. **Data sharing with the Department of Human Services; legal presence**  
88.22 **~~date~~ data.** (a) The commissioner of public safety shall, on a monthly basis, provide the  
88.23 commissioner of human services with the first, middle, and last name, and address, date of  
88.24 birth, Social Security or taxpayer identification number, and driver's license or state  
88.25 identification card number of all applicants and holders of drivers' licenses and state  
88.26 identification cards whose temporary legal presence date has expired and as a result the  
88.27 driver's license or identification card has been accordingly canceled under section 171.14  
88.28 by the commissioner of public safety.

88.29 (b) The commissioner of human services shall use the information provided under  
88.30 paragraph (a) to determine whether the eligibility of any recipients of public assistance  
88.31 programs managed by the Department of Human Services has changed as a result of the  
88.32 ~~status change in~~ data provided by the Department of Public Safety ~~data.~~

89.1 (c) If the commissioner of human services determines that a recipient has illegally or  
89.2 improperly received benefits from any public assistance program, the commissioner shall  
89.3 provide all due process protections to the individual before terminating the individual from  
89.4 the program according to applicable statute and ~~notifying~~ must notify the county attorney.

89.5 **EFFECTIVE DATE.** This section is effective the day following final enactment.

89.6 Sec. 29. Minnesota Statutes 2016, section 256.045, subdivision 3, is amended to read:

89.7 Subd. 3. **State agency hearings.** (a) State agency hearings are available for the following:

89.8 (1) any person applying for, receiving or having received public assistance, medical  
89.9 care, or a program of social services granted by the state agency or a county agency or the  
89.10 federal Food Stamp Act whose application for assistance is denied, not acted upon with  
89.11 reasonable promptness, or whose assistance is suspended, reduced, terminated, or claimed  
89.12 to have been incorrectly paid;

89.13 (2) any patient or relative aggrieved by an order of the commissioner under section  
89.14 252.27;

89.15 (3) a party aggrieved by a ruling of a prepaid health plan;

89.16 (4) except as provided under chapter 245C, any individual or facility determined by a  
89.17 lead investigative agency to have maltreated a vulnerable adult under section 626.557 after  
89.18 they have exercised their right to administrative reconsideration under section 626.557;

89.19 (5) any person whose claim for foster care payment according to a placement of the  
89.20 child resulting from a child protection assessment under section 626.556 is denied or not  
89.21 acted upon with reasonable promptness, regardless of funding source;

89.22 (6) any person to whom a right of appeal according to this section is given by other  
89.23 provision of law;

89.24 (7) an applicant aggrieved by an adverse decision to an application for a hardship waiver  
89.25 under section 256B.15;

89.26 (8) an applicant aggrieved by an adverse decision to an application or redetermination  
89.27 for a Medicare Part D prescription drug subsidy under section 256B.04, subdivision 4a;

89.28 (9) except as provided under chapter 245A, an individual or facility determined to have  
89.29 maltreated a minor under section 626.556, after the individual or facility has exercised the  
89.30 right to administrative reconsideration under section 626.556;

90.1 (10) except as provided under chapter 245C, an individual disqualified under sections  
90.2 245C.14 and 245C.15, following a reconsideration decision issued under section 245C.23,  
90.3 on the basis of serious or recurring maltreatment; a preponderance of the evidence that the  
90.4 individual has committed an act or acts that meet the definition of any of the crimes listed  
90.5 in section 245C.15, subdivisions 1 to 4; or for failing to make reports required under section  
90.6 626.556, subdivision 3, or 626.557, subdivision 3. Hearings regarding a maltreatment  
90.7 determination under clause (4) or (9) and a disqualification under this clause in which the  
90.8 basis for a disqualification is serious or recurring maltreatment, shall be consolidated into  
90.9 a single fair hearing. In such cases, the scope of review by the human services judge shall  
90.10 include both the maltreatment determination and the disqualification. The failure to exercise  
90.11 the right to an administrative reconsideration shall not be a bar to a hearing under this section  
90.12 if federal law provides an individual the right to a hearing to dispute a finding of  
90.13 maltreatment;

90.14 (11) any person with an outstanding debt resulting from receipt of public assistance,  
90.15 medical care, or the federal Food Stamp Act who is contesting a setoff claim by the  
90.16 Department of Human Services or a county agency. The scope of the appeal is the validity  
90.17 of the claimant agency's intention to request a setoff of a refund under chapter 270A against  
90.18 the debt;

90.19 (12) a person issued a notice of service termination under section 245D.10, subdivision  
90.20 3a, from residential supports and services as defined in section 245D.03, subdivision 1,  
90.21 paragraph (c), clause (3), that is not otherwise subject to appeal under subdivision 4a; or

90.22 (13) an individual disability waiver recipient based on a denial of a request for a rate  
90.23 exception under section 256B.4914.

90.24 (b) The hearing for an individual or facility under paragraph (a), clause (4), (9), or (10),  
90.25 is the only administrative appeal to the final agency determination specifically, including  
90.26 a challenge to the accuracy and completeness of data under section 13.04. Hearings requested  
90.27 under paragraph (a), clause (4), apply only to incidents of maltreatment that occur on or  
90.28 after October 1, 1995. Hearings requested by nursing assistants in nursing homes alleged  
90.29 to have maltreated a resident prior to October 1, 1995, shall be held as a contested case  
90.30 proceeding under the provisions of chapter 14. Hearings requested under paragraph (a),  
90.31 clause (9), apply only to incidents of maltreatment that occur on or after July 1, 1997. A  
90.32 hearing for an individual or facility under paragraph (a), clauses (4), (9), and (10), is only  
90.33 available when there is no district court action pending. If such action is filed in district  
90.34 court while an administrative review is pending that arises out of some or all of the events  
90.35 or circumstances on which the appeal is based, the administrative review must be suspended

91.1 until the judicial actions are completed. If the district court proceedings are completed,  
91.2 dismissed, or overturned, the matter may be considered in an administrative hearing. If the  
91.3 district court action is a juvenile protection proceeding under chapter 260C, the matter may  
91.4 also be considered in an administrative hearing if an adjudication was made under section  
91.5 260C.513 and the only actions still before the district court are status review hearings.

91.6 (c) For purposes of this section, bargaining unit grievance procedures are not an  
91.7 administrative appeal.

91.8 (d) The scope of hearings involving claims to foster care payments under paragraph (a),  
91.9 clause (5), shall be limited to the issue of whether the county is legally responsible for a  
91.10 child's placement under court order or voluntary placement agreement and, if so, the correct  
91.11 amount of foster care payment to be made on the child's behalf and shall not include review  
91.12 of the propriety of the county's child protection determination or child placement decision.

91.13 (e) The scope of hearings under paragraph (a), clause (12), shall be limited to whether  
91.14 the proposed termination of services is authorized under section 245D.10, subdivision 3a,  
91.15 paragraph (b), and whether the requirements of section 245D.10, subdivision 3a, ~~paragraph~~  
91.16 paragraphs (c) to (e), were met. If the appeal includes a request for a temporary stay of  
91.17 termination of services, the scope of the hearing shall also include whether the case  
91.18 management provider has finalized arrangements for a residential facility, a program, or  
91.19 services that will meet the assessed needs of the recipient by the effective date of the service  
91.20 termination.

91.21 (f) A vendor of medical care as defined in section 256B.02, subdivision 7, or a vendor  
91.22 under contract with a county agency to provide social services is not a party and may not  
91.23 request a hearing under this section, except if assisting a recipient as provided in subdivision  
91.24 4.

91.25 (g) An applicant or recipient is not entitled to receive social services beyond the services  
91.26 prescribed under chapter 256M or other social services the person is eligible for under state  
91.27 law.

91.28 (h) The commissioner may summarily affirm the county or state agency's proposed  
91.29 action without a hearing when the sole issue is an automatic change due to a change in state  
91.30 or federal law.

91.31 (i) Unless federal or Minnesota law specifies a different time frame or modality in which  
91.32 to file an appeal, an individual or organization specified in this section may contest the  
91.33 specified action, decision, or final disposition before the state agency by submitting a written  
91.34 request for a hearing to the state agency within 30 days after receiving written notice of the

92.1 action, decision, or final disposition, or within 90 days of such written notice if the applicant,  
 92.2 recipient, patient, or relative shows good cause, as defined in section 256.0451, subdivision  
 92.3 13, why the request was not submitted within the 30-day time limit. The individual filing  
 92.4 the appeal has the burden of proving good cause by a preponderance of the evidence.

92.5 **EFFECTIVE DATE.** This section is effective the day following final enactment.

92.6 Sec. 30. Minnesota Statutes 2016, section 256.045, subdivision 4, is amended to read:

92.7 Subd. 4. **Conduct of hearings.** (a) All hearings held pursuant to subdivision 3, 3a, 3b,  
 92.8 or 4a shall be conducted according to the provisions of the federal Social Security Act and  
 92.9 the regulations implemented in accordance with that act to enable this state to qualify for  
 92.10 federal grants-in-aid, and according to the rules and written policies of the commissioner  
 92.11 of human services. County agencies shall install equipment necessary to conduct telephone  
 92.12 hearings. ~~A state human services judge~~ The Appeals Division may schedule a telephone  
 92.13 conference hearing when the distance or time required to travel to the county agency offices  
 92.14 will cause a delay in the issuance of an order, or to promote efficiency, or at the mutual  
 92.15 request of the parties. Hearings may be conducted by telephone conferences unless the  
 92.16 applicant, recipient, former recipient, person, or facility contesting maltreatment objects.  
 92.17 ~~A human services judge~~ The Appeals Division may grant a request for a hearing in person  
 92.18 by holding the hearing by interactive video technology or in person. The human services  
 92.19 judge must hear the case in person if the person asserts that either the person or a witness  
 92.20 has a physical or mental disability that would impair the person's or witness's ability to fully  
 92.21 participate in a hearing held by interactive video technology. The hearing shall not be held  
 92.22 earlier than five days after filing of the required notice with the county or state agency. The  
 92.23 ~~state human services judge~~ Appeals Division shall notify all interested persons of the time,  
 92.24 date, and location of the hearing at least five days before the date of the hearing. Interested  
 92.25 persons may be represented by legal counsel or other representative of their choice, including  
 92.26 a provider of therapy services, at the hearing and may appear personally, testify and offer  
 92.27 evidence, and examine and cross-examine witnesses. The applicant, recipient, former  
 92.28 recipient, person, or facility contesting maltreatment shall have the opportunity to examine  
 92.29 the contents of the case file and all documents and records to be used by the county or state  
 92.30 agency at the hearing at a reasonable time before the date of the hearing and during the  
 92.31 hearing. In hearings under subdivision 3, paragraph (a), clauses (4), ~~(8), and (9), and (10),~~  
 92.32 either party may subpoena the private data relating to the investigation prepared by the  
 92.33 agency under section 626.556 or 626.557 that is not otherwise accessible under section  
 92.34 13.04, provided the identity of the reporter may not be disclosed.

93.1 (b) The private data obtained by subpoena in a hearing under subdivision 3, paragraph  
93.2 (a), clause (4), ~~(8), or (9),~~ or (10), must be subject to a protective order which prohibits its  
93.3 disclosure for any other purpose outside the hearing provided for in this section without  
93.4 prior order of the district court. Disclosure without court order is punishable by a sentence  
93.5 of not more than 90 days imprisonment or a fine of not more than \$1,000, or both. These  
93.6 restrictions on the use of private data do not prohibit access to the data under section 13.03,  
93.7 subdivision 6. Except for appeals under subdivision 3, paragraph (a), clauses (4), (5), ~~(8),~~  
93.8 ~~and (9),~~ and (10), upon request, the county agency shall provide reimbursement for  
93.9 transportation, child care, photocopying, medical assessment, witness fee, and other necessary  
93.10 and reasonable costs incurred by the applicant, recipient, or former recipient in connection  
93.11 with the appeal. All evidence, except that privileged by law, commonly accepted by  
93.12 reasonable people in the conduct of their affairs as having probative value with respect to  
93.13 the issues shall be submitted at the hearing and such hearing shall not be "a contested case"  
93.14 within the meaning of section 14.02, subdivision 3. The agency must present its evidence  
93.15 prior to or at the hearing, ~~and may not submit evidence after the hearing except by agreement~~  
93.16 ~~of the parties at the hearing, provided the petitioner has the opportunity to respond. A party~~  
93.17 shall not submit evidence after the hearing except: (1) by agreement at the hearing between  
93.18 the appellant, the agency, and the human services judge; (2) in response to new evidence;  
93.19 or (3) when the human services judge determines that additional evidence is needed to  
93.20 sufficiently complete the appeal file and make a fair and accurate decision. If a party submits  
93.21 evidence after the appeal hearing consistent with an exception, the other party must be  
93.22 allowed sufficient opportunity to respond to the evidence.

93.23 (c) In hearings under subdivision 3, paragraph (a), clauses (4), ~~(8), and (9),~~ and (10),  
93.24 involving determinations of maltreatment or disqualification made by more than one county  
93.25 agency, by a county agency and a state agency, or by more than one state agency, the hearings  
93.26 may be consolidated into a single fair hearing upon the consent of all parties and the state  
93.27 human services judge.

93.28 (d) For hearings under subdivision 3, paragraph (a), clause (4) or (10), involving a  
93.29 vulnerable adult, ~~the human services judge~~ Appeals Division shall notify the vulnerable  
93.30 adult who is the subject of the maltreatment determination and, if known, a guardian of the  
93.31 vulnerable adult appointed under section 524.5-310, or a health care agent designated by  
93.32 the vulnerable adult in a health care directive that is currently effective under section 145C.06  
93.33 and whose authority to make health care decisions is not suspended under section 524.5-310,  
93.34 of the hearing. The notice must be sent by certified mail and inform the vulnerable adult of  
93.35 the right to file a signed written statement in the proceedings. A guardian or health care

94.1 agent who prepares or files a written statement for the vulnerable adult must indicate in the  
 94.2 statement that the person is the vulnerable adult's guardian or health care agent and sign the  
 94.3 statement in that capacity. The vulnerable adult, the guardian, or the health care agent may  
 94.4 file a written statement with the human services judge hearing the case no later than five  
 94.5 business days before commencement of the hearing. The human services judge shall include  
 94.6 the written statement in the hearing record and consider the statement in deciding the appeal.  
 94.7 This subdivision does not limit, prevent, or excuse the vulnerable adult from being called  
 94.8 as a witness testifying at the hearing or grant the vulnerable adult, the guardian, or health  
 94.9 care agent a right to participate in the proceedings or appeal the ~~human services judge's~~  
 94.10 commissioner's decision in the case. The lead investigative agency must consider including  
 94.11 the vulnerable adult victim of maltreatment as a witness in the hearing. If the lead  
 94.12 investigative agency determines that participation in the hearing would endanger the  
 94.13 well-being of the vulnerable adult or not be in the best interests of the vulnerable adult, the  
 94.14 lead investigative agency shall inform the human services judge of the basis for this  
 94.15 determination, which must be included in the final order. If the ~~human services judge~~ Appeals  
 94.16 Division is not reasonably able to determine the address of the vulnerable adult, the guardian,  
 94.17 or the health care agent, the ~~human services judge~~ Appeals Division is not required to send  
 94.18 a hearing notice under this subdivision.

94.19 **EFFECTIVE DATE.** This section is effective the day following final enactment.

94.20 Sec. 31. Minnesota Statutes 2016, section 256.0451, subdivision 1, is amended to read:

94.21 Subdivision 1. **Scope.** The requirements in this section apply to all fair hearings and  
 94.22 appeals under section 256.045, subdivision 3, paragraph (a), clauses (1), (2), (3), (5), (6),  
 94.23 and (7). Except as provided in subdivisions 3 and 19, the requirements under this section  
 94.24 apply to fair hearings and appeals under section 256.045, subdivision 3, paragraph (a),  
 94.25 clauses (4), (8), and (9).

94.26 ~~The term~~ For purposes of this section, "person" is used in this section to mean means  
 94.27 an individual who, on behalf of themselves or their household, is appealing or disputing or  
 94.28 challenging an action, a decision, or a failure to act, by an agency in the human services  
 94.29 system. When a person involved in a proceeding under this section is represented by an  
 94.30 attorney ~~or by an~~ authorized representative, the term " or other advocate for whom the  
 94.31 person gave clear consent to contest the matter on the person's behalf; person" also refers  
 94.32 ~~to means~~ the person's attorney or, authorized representative, or other advocate. Any notice  
 94.33 sent to the person involved in the hearing must also be sent to the person's attorney ~~or,~~  
 94.34 authorized representative, or other advocate.

95.1 ~~The term "Agency"~~ includes the county human services agency, the state human services  
 95.2 agency, and, where applicable, any entity involved under a contract, subcontract, grant, or  
 95.3 subgrant with the state agency or with a county agency, that provides or operates programs  
 95.4 or services in which appeals are governed by section 256.045. For purposes of an appeal  
 95.5 under section 256.045, subdivision 3, paragraph (a), clause (12), "agency" means the provider  
 95.6 who issued the notice of service termination.

95.7 **EFFECTIVE DATE.** This section is effective the day following final enactment.

95.8 Sec. 32. Minnesota Statutes 2016, section 256.0451, subdivision 3, is amended to read:

95.9 Subd. 3. **Agency appeal summary.** (a) Except in fair hearings and appeals under section  
 95.10 256.045, subdivision 3, paragraph (a), clauses (4), (8), and (9), the agency involved in an  
 95.11 appeal must prepare a state agency appeal summary for each fair hearing appeal. The state  
 95.12 agency appeal summary shall be ~~mailed or otherwise~~ delivered to the person who is involved  
 95.13 in the appeal at least three working days before the date of the hearing. The state agency  
 95.14 appeal summary must also be ~~mailed or otherwise~~ delivered to the department's Appeals  
 95.15 Office at least three working days before the date of the fair hearing appeal.

95.16 (b) In addition, the human services judge shall confirm that the state agency appeal  
 95.17 summary is ~~mailed or otherwise~~ delivered to the person involved in the appeal as required  
 95.18 under paragraph (a). The person involved in the fair hearing should be provided, through  
 95.19 the state agency appeal summary or other reasonable methods, appropriate information  
 95.20 about the procedures for the fair hearing and an adequate opportunity to prepare. These  
 95.21 requirements apply equally to the state agency or an entity under contract when involved  
 95.22 in the appeal.

95.23 (c) The contents of the state agency appeal summary must be adequate to inform the  
 95.24 person involved in the appeal of the evidence on which the agency relies and the legal basis  
 95.25 for the agency's action or determination.

95.26 **EFFECTIVE DATE.** This section is effective the day following final enactment.

95.27 Sec. 33. Minnesota Statutes 2016, section 256.0451, subdivision 5, is amended to read:

95.28 Subd. 5. **Prehearing conferences.** (a) ~~The human services judge prior to~~ Before a fair  
 95.29 hearing appeal, the Appeals Division may hold a prehearing conference to further the  
 95.30 interests of justice or efficiency and must include the person involved in the appeal. A person  
 95.31 involved in a fair hearing appeal or the agency may request a prehearing conference. The

96.1 prehearing conference may be conducted by telephone, in person, or in writing. The  
 96.2 prehearing conference may address the following:

- 96.3 (1) disputes regarding access to files, evidence, subpoenas, or testimony;
- 96.4 (2) the time required for the hearing or any need for expedited procedures or decision;
- 96.5 (3) identification or clarification of legal or other issues that may arise at the hearing;
- 96.6 (4) identification of and possible agreement to factual issues; and
- 96.7 (5) scheduling and any other matter which will aid in the proper and fair functioning of  
 96.8 the hearing.

96.9 (b) The ~~human services judge~~ Appeals Division shall make a record or otherwise  
 96.10 contemporaneously summarize the prehearing conference in writing, which shall be sent  
 96.11 to both the person involved in the hearing, the person's attorney or authorized representative,  
 96.12 and the agency. A human services judge may make and issue rulings and orders while the  
 96.13 appeal is pending. During the pendency of the appeal, these rulings and orders are not subject  
 96.14 to a request for reconsideration or appeal. These rulings and orders are subject to review  
 96.15 under subdivision 24 and section 256.045, subdivision 7.

96.16 **EFFECTIVE DATE.** This section is effective the day following final enactment.

96.17 Sec. 34. Minnesota Statutes 2016, section 256.0451, subdivision 6, is amended to read:

96.18 Subd. 6. **Appeal request for emergency assistance or urgent matter.** (a) When an  
 96.19 appeal involves an application for emergency assistance, the agency involved shall ~~mail or~~  
 96.20 ~~otherwise~~ deliver the state agency appeal summary to the department's Appeals Office  
 96.21 within two working days of receiving the request for an appeal. A person may also request  
 96.22 that a fair hearing be held on an emergency basis when the issue requires an immediate  
 96.23 resolution. The ~~human services judge~~ Appeals Division shall schedule the fair hearing on  
 96.24 the earliest available date according to the urgency of the issue involved. Issuance of the  
 96.25 recommended decision after an emergency hearing shall be expedited.

96.26 (b) The commissioner shall issue a written decision within five working days of receiving  
 96.27 the recommended decision, ~~shall immediately inform the parties of the outcome by telephone,~~  
 96.28 and shall ~~mail~~ send the decision to each party no later than two working days following the  
 96.29 date of the decision.

96.30 **EFFECTIVE DATE.** This section is effective the day following final enactment.

97.1 Sec. 35. Minnesota Statutes 2016, section 256.0451, subdivision 7, is amended to read:

97.2 Subd. 7. **Continuance, rescheduling, or adjourning a hearing.** (a) A person involved  
97.3 in a fair hearing, or the agency, may request a continuance, a rescheduling, or an adjournment  
97.4 of a hearing for a reasonable period of time. The grounds for granting a request for a  
97.5 continuance, a rescheduling, or adjournment of a hearing include, but are not limited to, the  
97.6 following:

97.7 (1) to reasonably accommodate the appearance of a witness;

97.8 (2) to ensure that the person or the agency has adequate opportunity for preparation and  
97.9 for presentation of evidence and argument;

97.10 (3) to ensure that the person or the agency has adequate opportunity to review, evaluate,  
97.11 and respond to new evidence, or where appropriate, to require that the person or agency  
97.12 review, evaluate, and respond to new evidence;

97.13 (4) to permit the person involved and the agency to negotiate toward resolution of some  
97.14 or all of the issues where both agree that additional time is needed;

97.15 (5) to permit the agency to reconsider a previous action or determination;

97.16 (6) to permit or to require the performance of actions not previously taken; ~~and~~

97.17 (7) to accommodate a person's or agency's conflict of previously scheduled appointments;

97.18 (8) to accommodate a person's physical or mental illness;

97.19 (9) to accommodate an interpreter, translator, or other service when necessary to  
97.20 accommodate a person with a disability; or

97.21 ~~(7)~~ (10) to provide additional time or to permit or require additional activity by the person  
97.22 or agency as the interests of fairness may require.

97.23 (b) Requests for continuances or for rescheduling may be made orally or in writing. The  
97.24 ~~person or agency requesting the continuance or rescheduling must first make reasonable~~  
97.25 ~~efforts to contact the other participants in the hearing or their representatives and seek to~~  
97.26 ~~obtain an agreement on the request. Requests for continuance or rescheduling should be~~  
97.27 ~~made no later than three working days before the scheduled date of the hearing, unless there~~  
97.28 ~~is a good cause as specified in subdivision 13. When a request to reschedule a hearing is~~  
97.29 received less than five calendar days before the scheduled hearing date, the requesting party  
97.30 must attempt, at least once, to notify the other party of the request and provide the other  
97.31 party an opportunity to object, if applicable. When a request to reschedule a hearing is  
97.32 received less than 24 hours before the scheduled hearing date, the Appeals Division must

98.1 consider the potential prejudicial effect and burdens on the parties in reviewing the request.  
 98.2 Unless the Appeals Division makes a written determination that a request to reschedule a  
 98.3 hearing was made to unnecessarily delay the proceeding or that a party's objection and the  
 98.4 reason for the objection outweighed the need to reschedule, the hearing must be rescheduled  
 98.5 for good cause as determined by the Appeals Division. Granting a continuance or  
 98.6 rescheduling may be conditioned upon a waiver by the requester of applicable time limits  
 98.7 but should not cause unreasonable delay.

98.8 **EFFECTIVE DATE.** This section is effective the day following final enactment.

98.9 Sec. 36. Minnesota Statutes 2016, section 256.0451, subdivision 9, is amended to read:

98.10 Subd. 9. **No ex parte contact.** The human services judge shall not have ex parte contact  
 98.11 on substantive issues with the agency or with any person or witness in a fair hearing appeal.  
 98.12 No employee of the department or agency shall review, interfere with, change, or attempt  
 98.13 to influence the recommended decision of the human services judge in any fair hearing  
 98.14 appeal, except through the procedure allowed in subdivision 18. The limitations in this  
 98.15 subdivision do not affect the commissioner's authority to review or reconsider decisions or  
 98.16 make final decisions. The limitations in this subdivision also do not affect the commissioner's  
 98.17 authority to set policies and procedures for the processing and administration of fair hearing  
 98.18 appeals.

98.19 **EFFECTIVE DATE.** This section is effective the day following final enactment.

98.20 Sec. 37. Minnesota Statutes 2016, section 256.0451, subdivision 10, is amended to read:

98.21 Subd. 10. **Telephone or face-to-face hearing.** A fair hearing appeal may be conducted  
 98.22 by telephone, by other electronic media, or by an in-person, face-to-face hearing. ~~At the~~  
 98.23 ~~request of the person involved in a fair hearing appeal or their representative, a face-to-face~~  
 98.24 ~~hearing shall be conducted with all participants personally present before the human services~~  
 98.25 ~~judge.~~ A human services judge may satisfy a request for an in-person hearing by holding  
 98.26 the hearing using interactive video technology or in person. However, the human services  
 98.27 judge must hold an in-person hearing if a party asserts that either the party or a witness has  
 98.28 a physical or mental disability that would impair the party's or witness's ability to fully  
 98.29 participate in a hearing held using interactive video technology.

98.30 **EFFECTIVE DATE.** This section is effective the day following final enactment.

99.1 Sec. 38. Minnesota Statutes 2016, section 256.0451, subdivision 11, is amended to read:

99.2 Subd. 11. **Hearing facilities and equipment.** (a) If the hearing is held in person, the  
 99.3 human services judge shall conduct the hearing in the county where the person involved  
 99.4 resides, unless an alternate location is mutually agreed upon before the hearing, ~~or unless~~  
 99.5 ~~the person has agreed to a hearing by telephone.~~ In-person hearings under section 256.045,  
 99.6 subdivision 3, paragraph (a), clauses (4), ~~(8), and (9), and (10),~~ must be conducted in the  
 99.7 county where the determination was made, unless an alternate location is mutually agreed  
 99.8 upon before the hearing. The hearing room used for an in-person hearing shall be of sufficient  
 99.9 size and layout to adequately accommodate both the number of individuals participating in  
 99.10 the hearing and any identified special needs of any individual participating in the hearing.

99.11 (b) The human services judge shall ensure that all communication and recording  
 99.12 equipment that is necessary to conduct the hearing and to create an adequate record is present  
 99.13 and functioning properly. If any necessary communication or recording equipment fails or  
 99.14 ceases to operate effectively, the human services judge shall take any steps necessary,  
 99.15 including stopping or adjourning the hearing, until the necessary equipment is present and  
 99.16 functioning properly. All reasonable efforts shall be undertaken to prevent and avoid any  
 99.17 delay in the hearing process caused by defective communication or recording equipment.

99.18 **EFFECTIVE DATE.** This section is effective the day following final enactment.

99.19 Sec. 39. Minnesota Statutes 2016, section 256.0451, subdivision 12, is amended to read:

99.20 Subd. 12. **Interpreter and translation services.** The human services judge has a duty  
 99.21 to inquire and to determine whether any participant in the hearing needs the services of an  
 99.22 interpreter or translator in order to participate in or to understand the hearing process.  
 99.23 Necessary interpreter or translation services must be provided by the agency taking the  
 99.24 action in the appeal at no charge to the person involved in the hearing. If it appears that  
 99.25 interpreter or translation services are needed but are not available for the scheduled hearing,  
 99.26 the human services judge shall continue or postpone the hearing until appropriate services  
 99.27 can be provided.

99.28 **EFFECTIVE DATE.** This section is effective the day following final enactment.

99.29 Sec. 40. Minnesota Statutes 2016, section 256.0451, subdivision 21, is amended to read:

99.30 Subd. 21. **Closing of the record.** The agency must present its evidence prior to or at the  
 99.31 hearing. ~~The agency shall not be permitted to submit evidence after the hearing except by~~  
 99.32 ~~agreement at the hearing between the person involved, the agency, and the human services~~

100.1 ~~judge. If evidence is submitted after the hearing, based on such an agreement, the person~~  
 100.2 ~~involved and the agency must be allowed sufficient opportunity to respond to the evidence.~~  
 100.3 ~~When necessary, the record shall remain open to permit a person to submit additional~~  
 100.4 ~~evidence on the issues presented at the hearing. A party shall not submit evidence after the~~  
 100.5 ~~hearing except: (1) by agreement at the hearing between the appellant, the agency, and the~~  
 100.6 ~~human services judge; (2) in response to new evidence; or (3) when the human services~~  
 100.7 ~~judge determines that additional evidence is needed to sufficiently complete the appeal file~~  
 100.8 ~~and make a fair and accurate decision. If a party submits evidence after the appeal hearing~~  
 100.9 ~~consistent with an exception, the other party must be allowed sufficient opportunity to~~  
 100.10 ~~respond to the evidence.~~

100.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.

100.12 Sec. 41. Minnesota Statutes 2016, section 256.046, subdivision 1, is amended to read:

100.13 Subdivision 1. **Hearing authority.** A local agency must initiate an administrative fraud  
 100.14 disqualification hearing for individuals, including child care providers caring for children  
 100.15 receiving child care assistance, accused of wrongfully obtaining assistance or intentional  
 100.16 program violations, in lieu of a criminal action when it has not been pursued, in the Minnesota  
 100.17 family investment program and any affiliated program to include the diversionary work  
 100.18 program and the work participation cash benefit program, child care assistance programs,  
 100.19 general assistance, family general assistance program formerly codified in section 256D.05,  
 100.20 subdivision 1, clause (15), Minnesota supplemental aid, food stamp programs, MinnesotaCare  
 100.21 for adults without children, and upon federal approval, all categories of medical assistance  
 100.22 and remaining categories of MinnesotaCare except for children through age 18. The  
 100.23 Department of Human Services, in lieu of a local agency, may initiate an administrative  
 100.24 fraud disqualification hearing when the state agency is directly responsible for administration  
 100.25 or investigation of the program for which benefits were wrongfully obtained. The hearing  
 100.26 is subject to the requirements of section 256.045 and the requirements in Code of Federal  
 100.27 Regulations, title 7, section 273.16. The local agency must prove by clear and convincing  
 100.28 evidence that an individual committed, and intended to commit, an intentional program  
 100.29 violation to disqualify the individual from participating in food stamp programs, the  
 100.30 Minnesota family investment program, or a diversionary work program. The local agency  
 100.31 must prove by a preponderance of the evidence that an individual committed, and intended  
 100.32 to commit, an intentional program violation to disqualify the individual from participating  
 100.33 in all other programs.

100.34 **EFFECTIVE DATE.** This section is effective the day following final enactment.

101.1 Sec. 42. Minnesota Statutes 2016, section 256.9685, subdivision 1, is amended to read:

101.2 Subdivision 1. **Authority.** (a) The commissioner shall establish procedures for  
 101.3 determining medical assistance payment rates under a prospective payment system for  
 101.4 inpatient hospital services in hospitals that qualify as vendors of medical assistance. The  
 101.5 commissioner shall establish, by rule, procedures for implementing this section and sections  
 101.6 256.9686, 256.969, and 256.9695. Services must meet the requirements of section 256B.04,  
 101.7 subdivision 15, to be eligible for payment.

101.8 (b) The commissioner may reduce the types of inpatient hospital admissions that are  
 101.9 required to be certified as medically necessary after notice in the State Register and a 30-day  
 101.10 comment period.

101.11 (c) The commissioner shall publish in the Minnesota Health Care Program Provider  
 101.12 Manual the industry standard, evidence-based clinical decision tool used for determining  
 101.13 the medical necessity of a recipient's hospital admission. The tool shall be used in conjunction  
 101.14 with the recipient's medical conditions and records. The commissioner's tool designation is  
 101.15 not subject to administrative appeal and is not subject to the requirements of chapter 14,  
 101.16 including section 14.386. This paragraph supersedes any contrary rule or law.

101.17 **EFFECTIVE DATE.** This section is effective the day following final enactment.

101.18 Sec. 43. Minnesota Statutes 2016, section 256.9685, subdivision 1a, is amended to read:

101.19 Subd. 1a. **Administrative reconsideration.** Notwithstanding section 256B.04,  
 101.20 subdivision 15, the commissioner shall establish an administrative reconsideration process  
 101.21 for appeals of inpatient hospital services determined to be medically unnecessary. A physician  
 101.22 or hospital may request a reconsideration of the decision that inpatient hospital services are  
 101.23 not medically necessary by submitting a written request for review to the commissioner  
 101.24 within 30 days after receiving notice of the decision. The reconsideration process shall take  
 101.25 place prior to the procedures of subdivision 1b and shall be conducted by physicians a  
 101.26 physician that are is independent of the case under reconsideration. ~~A majority decision by~~  
 101.27 ~~the physicians is necessary to make a determination that the services were not medically~~  
 101.28 ~~necessary.~~

101.29 **EFFECTIVE DATE.** This section is effective the day following final enactment.

101.30 Sec. 44. Minnesota Statutes 2016, section 256B.064, subdivision 2, is amended to read:

101.31 Subd. 2. **Imposition of monetary recovery and sanctions.** (a) The commissioner shall  
 101.32 determine any monetary amounts to be recovered and sanctions to be imposed upon a vendor

102.1 of medical care under this section. Except as provided in paragraphs (b) and (d), neither a  
102.2 monetary recovery nor a sanction will be imposed by the commissioner without prior notice  
102.3 and an opportunity for a hearing, according to chapter 14, on the commissioner's proposed  
102.4 action, provided that the commissioner may suspend or reduce payment to a vendor of  
102.5 medical care, except a nursing home or convalescent care facility, after notice and prior to  
102.6 the hearing if in the commissioner's opinion that action is necessary to protect the public  
102.7 welfare and the interests of the program.

102.8 (b) Except when the commissioner finds good cause not to suspend payments under  
102.9 Code of Federal Regulations, title 42, section 455.23 (e) or (f), the commissioner shall  
102.10 withhold or reduce payments to a vendor of medical care without providing advance notice  
102.11 of such withholding or reduction if either of the following occurs:

102.12 (1) the vendor is convicted of a crime involving the conduct described in subdivision  
102.13 1a; or

102.14 (2) the commissioner determines there is a credible allegation of fraud for which an  
102.15 investigation is pending under the program. A credible allegation of fraud is an allegation  
102.16 which has been verified by the state, from any source, including but not limited to:

102.17 (i) fraud hotline complaints;

102.18 (ii) claims data mining; and

102.19 (iii) patterns identified through provider audits, civil false claims cases, and law  
102.20 enforcement investigations.

102.21 Allegations are considered to be credible when they have an indicia of reliability and  
102.22 the state agency has reviewed all allegations, facts, and evidence carefully and acts  
102.23 judiciously on a case-by-case basis.

102.24 (c) The commissioner must send notice of the withholding or reduction of payments  
102.25 under paragraph (b) within five days of taking such action unless requested in writing by a  
102.26 law enforcement agency to temporarily withhold the notice. The notice must:

102.27 (1) state that payments are being withheld according to paragraph (b);

102.28 (2) set forth the general allegations as to the nature of the withholding action, but need  
102.29 not disclose any specific information concerning an ongoing investigation;

102.30 (3) except in the case of a conviction for conduct described in subdivision 1a, state that  
102.31 the withholding is for a temporary period and cite the circumstances under which withholding  
102.32 will be terminated;

103.1 (4) identify the types of claims to which the withholding applies; and

103.2 (5) inform the vendor of the right to submit written evidence for consideration by the  
103.3 commissioner.

103.4 The withholding or reduction of payments will not continue after the commissioner  
103.5 determines there is insufficient evidence of fraud by the vendor, or after legal proceedings  
103.6 relating to the alleged fraud are completed, unless the commissioner has sent notice of  
103.7 intention to impose monetary recovery or sanctions under paragraph (a). Upon conviction  
103.8 for a crime related to the provision, management, or administration of a health service under  
103.9 medical assistance, a payment held pursuant to this section by the commissioner or a managed  
103.10 care organization that contracts with the commissioner under section 256B.035 is forfeited  
103.11 up to the amount of any overpayment identified by the commissioner or managed care  
103.12 organization, regardless of the amount charged in the criminal complaint or the amount of  
103.13 criminal restitution ordered.

103.14 (d) The commissioner shall suspend or terminate a vendor's participation in the program  
103.15 without providing advance notice and an opportunity for a hearing when the suspension or  
103.16 termination is required because of the vendor's exclusion from participation in Medicare.  
103.17 Within five days of taking such action, the commissioner must send notice of the suspension  
103.18 or termination. The notice must:

103.19 (1) state that suspension or termination is the result of the vendor's exclusion from  
103.20 Medicare;

103.21 (2) identify the effective date of the suspension or termination; and

103.22 (3) inform the vendor of the need to be reinstated to Medicare before reapplying for  
103.23 participation in the program.

103.24 (e) Upon receipt of a notice under paragraph (a) that a monetary recovery or sanction is  
103.25 to be imposed, a vendor may request a contested case, as defined in section 14.02, subdivision  
103.26 3, by filing with the commissioner a written request of appeal. The appeal request must be  
103.27 received by the commissioner no later than 30 days after the date the notification of monetary  
103.28 recovery or sanction was mailed to the vendor. The appeal request must specify:

103.29 (1) each disputed item, the reason for the dispute, and an estimate of the dollar amount  
103.30 involved for each disputed item;

103.31 (2) the computation that the vendor believes is correct;

103.32 (3) the authority in statute or rule upon which the vendor relies for each disputed item;

104.1 (4) the name and address of the person or entity with whom contacts may be made  
 104.2 regarding the appeal; and

104.3 (5) other information required by the commissioner.

104.4 (f) The commissioner may order a vendor to forfeit a fine for failure to fully document  
 104.5 services according to standards in this chapter and Minnesota Rules, chapter 9505. The  
 104.6 commissioner may assess fines if specific required components of documentation are  
 104.7 missing. The fine for incomplete documentation shall equal 20 percent of the amount paid  
 104.8 on the claims for reimbursement submitted by the vendor, or up to \$5,000, whichever is  
 104.9 less. If the commissioner determines that a vendor repeatedly violated this chapter or  
 104.10 Minnesota Rules, chapter 9505, related to the provision of services to program recipients  
 104.11 and the submission of claims for payment, the commissioner may order a vendor to forfeit  
 104.12 a fine based on the nature, severity, and chronicity of the violations, in an amount of up to  
 104.13 \$5,000 or 20 percent of the value of the claims, whichever is greater.

104.14 (g) The vendor shall pay the fine assessed on or before the payment date specified. If  
 104.15 the vendor fails to pay the fine, the commissioner may withhold or reduce payments and  
 104.16 recover the amount of the fine. A timely appeal shall stay payment of the fine until the  
 104.17 commissioner issues a final order.

104.18 **EFFECTIVE DATE.** This section is effective the day following final enactment.

104.19 Sec. 45. Minnesota Statutes 2016, section 256B.064, is amended by adding a subdivision  
 104.20 to read:

104.21 **Subd. 3. Vendor mandates on prohibited hiring.** (a) The commissioner shall maintain  
 104.22 and publish a list of each excluded individual and entity that was convicted of a crime related  
 104.23 to the provision, management, or administration of a medical assistance health service, or  
 104.24 suspended or terminated under subdivision 2. A vendor that receives funding from medical  
 104.25 assistance shall not:

104.26 (1) employ an individual or entity who is on the exclusion list; or

104.27 (2) enter into or maintain a business relationship with an individual or entity that is on  
 104.28 the exclusion list.

104.29 (b) Before hiring or entering into a business transaction, a vendor must check the  
 104.30 exclusion list. The vendor must check the exclusion list on a monthly basis and document  
 104.31 the date and time the exclusion list was checked and the name and title of the person who  
 104.32 checked the exclusion list. The vendor must:

105.1 (1) immediately terminate a current employee on the exclusion list; and

105.2 (2) immediately terminate a business relationship with an individual or entity on the  
 105.3 exclusion list.

105.4 (c) A vendor's requirement to check the exclusion list and to terminate an employee on  
 105.5 the exclusion list applies to each employee, even if the named employee is not responsible  
 105.6 for direct patient care or direct submission of a claim to medical assistance. The requirement  
 105.7 to check the exclusion list and terminate a business relationship with an individual or entity  
 105.8 on the exclusion list applies to each business relationship, even if the named individual or  
 105.9 entity is not responsible for direct patient care or direct submission of a claim to medical  
 105.10 assistance.

105.11 (d) A vendor that employs or enters into or maintains a business relationship with an  
 105.12 individual or entity on the exclusion list must refund any payment related to a service  
 105.13 rendered by an individual or entity on the exclusion list from the date the individual is  
 105.14 employed or the date the individual is placed on the exclusionary list, whichever is later,  
 105.15 and may be subject to:

105.16 (1) sanctions under subdivision 2;

105.17 (2) civil monetary penalty up to \$25,000 for each determination by the department that  
 105.18 the vendor employed or contracted with an individual or entity on the exclusion list; and

105.19 (3) other fines or penalties allowed by law.

105.20 **EFFECTIVE DATE.** This section is effective the day following final enactment.

105.21 Sec. 46. Minnesota Statutes 2016, section 256B.064, is amended by adding a subdivision  
 105.22 to read:

105.23 Subd. 4. **Notice.** (a) The notice required under subdivision 2 shall be served by first class  
 105.24 mail at the address submitted to the department by the vendor. Service is complete upon  
 105.25 mailing. The commissioner shall place an affidavit of the first class mailing in the vendor's  
 105.26 file as an indication of the address and the date of mailing.

105.27 (b) The department shall give notice in writing to a recipient placed in the Minnesota  
 105.28 restricted recipient program under section 256B.0646 and Minnesota Rules, part 9505.2200.  
 105.29 The notice shall be mailed by first class mail to the recipient's current address on file with  
 105.30 the department. A recipient placed in the restricted recipient program may contest the  
 105.31 placement by submitting a written request for a hearing to the department within 90 days  
 105.32 of the notice being mailed.

106.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.

106.2 Sec. 47. **[256B.0646] MINNESOTA RESTRICTED RECIPIENT PROGRAM.**

106.3 (a) When a recipient's use of personal care assistance or home and community-based  
106.4 personal care services and supports results in repeated abusive or fraudulent billing, regardless  
106.5 of error, fault, or intent, the commissioner may place the recipient in the Minnesota restricted  
106.6 recipient program. A recipient placed in the Minnesota restricted recipient program under  
106.7 this section must:

106.8 (1) be placed with a traditional personal care assistance provider agency or use an agency  
106.9 provider model; and

106.10 (2) obtain a referral from the recipient's designated primary care provider for personal  
106.11 care assistance or home and community-based personal care services and supports.

106.12 (b) Additional conditions may be placed on the use of personal care assistance services  
106.13 or home and community-based personal care services and supports if the commissioner  
106.14 determines it is necessary to prevent future abusive or fraudulent billing.

106.15 (c) Placement in the Minnesota restricted recipient program under this section is subject  
106.16 to appeal according to section 256B.064.

106.17 **EFFECTIVE DATE.** This section is effective the day following final enactment.

106.18 Sec. 48. Minnesota Statutes 2016, section 270B.14, subdivision 1, is amended to read:

106.19 Subdivision 1. **Disclosure to commissioner of human services.** (a) On the request of  
106.20 the commissioner of human services, the commissioner shall disclose return information  
106.21 regarding taxes imposed by chapter 290, and claims for refunds under chapter 290A, to the  
106.22 extent provided in paragraph (b) and for the purposes set forth in paragraph (c).

106.23 (b) Data that may be disclosed are limited to data relating to the identity, whereabouts,  
106.24 employment, income, and property of a person owing or alleged to be owing an obligation  
106.25 of child support.

106.26 (c) The commissioner of human services may request data only for the purposes of  
106.27 carrying out the child support enforcement program and to assist in the location of parents  
106.28 who have, or appear to have, deserted their children. Data received may be used only as set  
106.29 forth in section 256.978.

106.30 (d) The commissioner shall provide the records and information necessary to administer  
106.31 the supplemental housing allowance to the commissioner of human services.

107.1 (e) At the request of the commissioner of human services, the commissioner of revenue  
107.2 shall electronically match the Social Security numbers and names of participants in the  
107.3 telephone assistance plan operated under sections 237.69 to 237.71, with those of property  
107.4 tax refund filers, and determine whether each participant's household income is within the  
107.5 eligibility standards for the telephone assistance plan.

107.6 (f) The commissioner may provide records and information collected under sections  
107.7 295.50 to 295.59 to the commissioner of human services for purposes of the Medicaid  
107.8 Voluntary Contribution and Provider-Specific Tax Amendments of 1991, Public Law  
107.9 102-234. Upon the written agreement by the United States Department of Health and Human  
107.10 Services to maintain the confidentiality of the data, the commissioner may provide records  
107.11 and information collected under sections 295.50 to 295.59 to the Centers for Medicare and  
107.12 Medicaid Services section of the United States Department of Health and Human Services  
107.13 for purposes of meeting federal reporting requirements.

107.14 (g) The commissioner may provide records and information to the commissioner of  
107.15 human services as necessary to administer the early refund of refundable tax credits.

107.16 (h) The commissioner may disclose information to the commissioner of human services  
107.17 as necessary to verify for income verification for eligibility and premium payment under  
107.18 the MinnesotaCare program, under section 256L.05, subdivision 2, and the medical assistance  
107.19 program under chapter 256B.

107.20 (i) The commissioner may disclose information to the commissioner of human services  
107.21 necessary to verify whether applicants or recipients for the Minnesota family investment  
107.22 program, general assistance, food support, Minnesota supplemental aid program, and child  
107.23 care assistance have claimed refundable tax credits under chapter 290 and the property tax  
107.24 refund under chapter 290A, and the amounts of the credits.

107.25 (j) The commissioner may disclose information to the commissioner of human services  
107.26 necessary to verify income for purposes of calculating parental contribution amounts under  
107.27 section 252.27, subdivision 2a.

107.28 **EFFECTIVE DATE.** This section is effective the day following final enactment.

107.29 Sec. 49. Minnesota Statutes 2016, section 393.07, subdivision 10, is amended to read:

107.30 Subd. 10. **Food stamp program; Maternal and Child Nutrition Act.** (a) The local  
107.31 social services agency shall establish and administer the food stamp program according to  
107.32 rules of the commissioner of human services, the supervision of the commissioner as specified  
107.33 in section 256.01, and all federal laws and regulations. The commissioner of human services

108.1 shall monitor food stamp program delivery on an ongoing basis to ensure that each county  
108.2 complies with federal laws and regulations. Program requirements to be monitored include,  
108.3 but are not limited to, number of applications, number of approvals, number of cases pending,  
108.4 length of time required to process each application and deliver benefits, number of applicants  
108.5 eligible for expedited issuance, length of time required to process and deliver expedited  
108.6 issuance, number of terminations and reasons for terminations, client profiles by age,  
108.7 household composition and income level and sources, and the use of phone certification  
108.8 and home visits. The commissioner shall determine the county-by-county and statewide  
108.9 participation rate.

108.10 (b) On July 1 of each year, the commissioner of human services shall determine a  
108.11 statewide and county-by-county food stamp program participation rate. The commissioner  
108.12 may designate a different agency to administer the food stamp program in a county if the  
108.13 agency administering the program fails to increase the food stamp program participation  
108.14 rate among families or eligible individuals, or comply with all federal laws and regulations  
108.15 governing the food stamp program. The commissioner shall review agency performance  
108.16 annually to determine compliance with this paragraph.

108.17 (c) A person who commits any of the following acts has violated section 256.98 or  
108.18 609.821, or both, and is subject to both the criminal and civil penalties provided under those  
108.19 sections:

108.20 (1) obtains or attempts to obtain, or aids or abets any person to obtain by means of a  
108.21 willful statement or misrepresentation, or intentional concealment of a material fact, food  
108.22 stamps or vouchers issued according to sections 145.891 to 145.897 to which the person is  
108.23 not entitled or in an amount greater than that to which that person is entitled or which specify  
108.24 nutritional supplements to which that person is not entitled; or

108.25 (2) presents or causes to be presented, coupons or vouchers issued according to sections  
108.26 145.891 to 145.897 for payment or redemption knowing them to have been received,  
108.27 transferred or used in a manner contrary to existing state or federal law; or

108.28 (3) willfully uses, possesses, or transfers food stamp coupons, authorization to purchase  
108.29 cards or vouchers issued according to sections 145.891 to 145.897 in any manner contrary  
108.30 to existing state or federal law, rules, or regulations; or

108.31 (4) buys or sells food stamp coupons, authorization to purchase cards, other assistance  
108.32 transaction devices, vouchers issued according to sections 145.891 to 145.897, or any food  
108.33 obtained through the redemption of vouchers issued according to sections 145.891 to 145.897  
108.34 for cash or consideration other than eligible food.

109.1 ~~(d) A peace officer or welfare fraud investigator may confiscate food stamps,~~  
 109.2 ~~authorization to purchase cards, or other assistance transaction devices found in the~~  
 109.3 ~~possession of any person who is neither a recipient of the food stamp program nor otherwise~~  
 109.4 ~~authorized to possess and use such materials. Confiscated property shall be disposed of as~~  
 109.5 ~~the commissioner may direct and consistent with state and federal food stamp law. The~~  
 109.6 ~~confiscated property must be retained for a period of not less than 30 days to allow any~~  
 109.7 ~~affected person to appeal the confiscation under section 256.045.~~

109.8 ~~(e)~~ (d) Establishment of an overpayment is limited to 12 months prior to the month of  
 109.9 discovery due to agency error. Establishment of an overpayment is limited to six years prior  
 109.10 to the month of discovery due to client error or an intentional program violation determined  
 109.11 under section 256.046.

109.12 ~~(f)~~ (e) With regard to the federal tax revenue offset program only, recovery incentives  
 109.13 authorized by the federal food and consumer service shall be retained at the rate of 50 percent  
 109.14 by the state agency and 50 percent by the certifying county agency.

109.15 ~~(g)~~ (f) A peace officer, welfare fraud investigator, federal law enforcement official, or  
 109.16 the commissioner of health may confiscate vouchers found in the possession of any person  
 109.17 who is neither issued vouchers under sections 145.891 to 145.897, nor otherwise authorized  
 109.18 to possess and use such vouchers. Confiscated property shall be disposed of as the  
 109.19 commissioner of health may direct and consistent with state and federal law. The confiscated  
 109.20 property must be retained for a period of not less than 30 days.

109.21 ~~(h)~~ (g) The commissioner of human services may seek a waiver from the United States  
 109.22 Department of Agriculture to allow the state to specify foods that may and may not be  
 109.23 purchased in Minnesota with benefits funded by the federal Food Stamp Program. The  
 109.24 commissioner shall consult with the members of the house of representatives and senate  
 109.25 policy committees having jurisdiction over food support issues in developing the waiver.  
 109.26 The commissioner, in consultation with the commissioners of health and education, shall  
 109.27 develop a broad public health policy related to improved nutrition and health status. The  
 109.28 commissioner must seek legislative approval prior to implementing the waiver.

109.29 **EFFECTIVE DATE.** This section is effective the day following final enactment.

109.30

### ARTICLE 3

109.31

### COMMUNITY SERVICES SYSTEM DATA SHARING

109.32 Section 1. Minnesota Statutes 2016, section 13.32, is amended by adding a subdivision  
 109.33 to read:

110.1 Subd. 12. Access by community services system. County personnel in the community  
 110.2 services system, as defined in section 13.46, subdivision 1, paragraph (c), may request  
 110.3 access to education data in order to coordinate services for a student or family. The request  
 110.4 must be submitted to the chief administrative officer of the school and must include the  
 110.5 basis for the request and a description of the information that is requested. The chief  
 110.6 administrative officer must provide a copy of the request to the parent or legal guardian of  
 110.7 the student who is the subject of the request, along with a form the parent or legal guardian  
 110.8 may execute to consent to the release of specified information to the requestor. Education  
 110.9 data may be released under this subdivision only if the parent or legal guardian gives  
 110.10 informed consent to the release, unless sharing of the data is specifically authorized under  
 110.11 statute.

110.12 Sec. 2. Minnesota Statutes 2016, section 13.46, subdivision 1, is amended to read:

110.13 Subdivision 1. **Definitions.** As used in this section:

110.14 (a) "Individual" means an individual according to section 13.02, subdivision 8, but does  
 110.15 not include a vendor of services.

110.16 (b) "Program" includes all programs for which authority is vested in a component of the  
 110.17 ~~welfare~~ community services system according to statute or federal law, including, but not  
 110.18 limited to, Native American tribe programs that provide a service component of the  
 110.19 community services system, the aid to families with dependent children program formerly  
 110.20 codified in sections 256.72 to 256.87, Minnesota family investment program, temporary  
 110.21 assistance for needy families program, medical assistance, general assistance, general  
 110.22 assistance medical care formerly codified in chapter 256D, child care assistance program,  
 110.23 and child support collections.

110.24 (c) ~~"Welfare system"~~ "Community services system" includes the Department of Human  
 110.25 Services, local social services agencies, county welfare agencies, county public health  
 110.26 agencies, county veteran services agencies, county housing agencies, private licensing  
 110.27 agencies, the public authority responsible for child support enforcement, human services  
 110.28 boards, community mental health center boards, state hospitals, state nursing homes, the  
 110.29 ombudsman for mental health and developmental disabilities, Native American tribes to  
 110.30 the extent a tribe provides a service component of the community services system, and  
 110.31 persons, agencies, institutions, organizations, and other entities under contract to any of the  
 110.32 above agencies to the extent specified in the contract.

110.33 (d) "Mental health data" means data on individual clients and patients of community  
 110.34 mental health centers, established under section 245.62, mental health divisions of counties

111.1 and other providers under contract to deliver mental health services, or the ombudsman for  
111.2 mental health and developmental disabilities.

111.3 (e) "Fugitive felon" means a person who has been convicted of a felony and who has  
111.4 escaped from confinement or violated the terms of probation or parole for that offense.

111.5 (f) "Private licensing agency" means an agency licensed by the commissioner of human  
111.6 services under chapter 245A to perform the duties under section 245A.16.

111.7 Sec. 3. Minnesota Statutes 2016, section 13.46, subdivision 2, is amended to read:

111.8 Subd. 2. **General.** (a) Data on individuals collected, maintained, used, or disseminated  
111.9 by the ~~welfare~~ community services system are private data on individuals, and shall not be  
111.10 disclosed except:

111.11 (1) according to section 13.05;

111.12 (2) according to court order;

111.13 (3) according to a statute specifically authorizing access to the private data;

111.14 (4) to an agent of the ~~welfare~~ community services system and an investigator acting on  
111.15 behalf of a county, the state, or the federal government, including a law enforcement person  
111.16 or attorney in the investigation or prosecution of a criminal, civil, or administrative  
111.17 proceeding relating to the administration of a program;

111.18 (5) to personnel of the ~~welfare~~ community services system who require the data to verify  
111.19 an individual's identity; determine eligibility, amount of assistance, and the need to provide  
111.20 services to an individual or family across programs; coordinate services for an individual  
111.21 or family; evaluate the effectiveness of programs; assess parental contribution amounts;  
111.22 and investigate suspected fraud;

111.23 (6) to administer federal funds or programs;

111.24 (7) between personnel of the ~~welfare~~ community services system working in the same  
111.25 program;

111.26 (8) to the Department of Revenue to assess parental contribution amounts for purposes  
111.27 of section 252.27, subdivision 2a, administer and evaluate tax refund or tax credit programs  
111.28 and to identify individuals who may benefit from these programs. The following information  
111.29 may be disclosed under this paragraph: an individual's and their dependent's names, dates  
111.30 of birth, Social Security numbers, income, addresses, and other data as required, upon  
111.31 request by the Department of Revenue. Disclosures by the commissioner of revenue to the  
111.32 commissioner of human services for the purposes described in this clause are governed by

112.1 section 270B.14, subdivision 1. Tax refund or tax credit programs include, but are not limited  
112.2 to, the dependent care credit under section 290.067, the Minnesota working family credit  
112.3 under section 290.0671, the property tax refund and rental credit under section 290A.04,  
112.4 and the Minnesota education credit under section 290.0674;

112.5 (9) between the Department of Human Services, the Department of Employment and  
112.6 Economic Development, and when applicable, the Department of Education, for the following  
112.7 purposes:

112.8 (i) to monitor the eligibility of the data subject for unemployment benefits, for any  
112.9 employment or training program administered, supervised, or certified by that agency;

112.10 (ii) to administer any rehabilitation program or child care assistance program, whether  
112.11 alone or in conjunction with the ~~welfare~~ community services system;

112.12 (iii) to monitor and evaluate the Minnesota family investment program or the child care  
112.13 assistance program by exchanging data on recipients and former recipients of food support,  
112.14 cash assistance under chapter 256, 256D, 256J, or 256K, child care assistance under chapter  
112.15 119B, medical programs under chapter 256B or 256L, or a medical program formerly  
112.16 codified under chapter 256D; and

112.17 (iv) to analyze public assistance employment services and program utilization, cost,  
112.18 effectiveness, and outcomes as implemented under the authority established in Title II,  
112.19 Sections 201-204 of the Ticket to Work and Work Incentives Improvement Act of 1999.  
112.20 Health records governed by sections 144.291 to 144.298 and "protected health information"  
112.21 as defined in Code of Federal Regulations, title 45, section 160.103, and governed by Code  
112.22 of Federal Regulations, title 45, parts 160-164, including health care claims utilization  
112.23 information, must not be exchanged under this clause;

112.24 (10) to appropriate parties in connection with an emergency if knowledge of the  
112.25 information is necessary to protect the health or safety of the individual or other individuals  
112.26 or persons;

112.27 (11) data maintained by residential programs as defined in section 245A.02 may be  
112.28 disclosed to the protection and advocacy system established in this state according to Part  
112.29 C of Public Law 98-527 to protect the legal and human rights of persons with developmental  
112.30 disabilities or other related conditions who live in residential facilities for these persons if  
112.31 the protection and advocacy system receives a complaint by or on behalf of that person and  
112.32 the person does not have a legal guardian or the state or a designee of the state is the legal  
112.33 guardian of the person;

113.1 (12) to the county medical examiner or the county coroner for identifying or locating  
113.2 relatives or friends of a deceased person;

113.3 (13) data on a child support obligor who makes payments to the public agency may be  
113.4 disclosed to the Minnesota Office of Higher Education to the extent necessary to determine  
113.5 eligibility under section 136A.121, subdivision 2, clause (5);

113.6 (14) participant Social Security numbers and names collected by the telephone assistance  
113.7 program may be disclosed to the Department of Revenue to conduct an electronic data  
113.8 match with the property tax refund database to determine eligibility under section 237.70,  
113.9 subdivision 4a;

113.10 (15) the current address of a Minnesota family investment program participant may be  
113.11 disclosed to law enforcement officers who provide the name of the participant and notify  
113.12 the agency that:

113.13 (i) the participant:

113.14 (A) is a fugitive felon fleeing to avoid prosecution, or custody or confinement after  
113.15 conviction, for a crime or attempt to commit a crime that is a felony under the laws of the  
113.16 jurisdiction from which the individual is fleeing; or

113.17 (B) is violating a condition of probation or parole imposed under state or federal law;

113.18 (ii) the location or apprehension of the felon is within the law enforcement officer's  
113.19 official duties; and

113.20 (iii) the request is made in writing and in the proper exercise of those duties;

113.21 (16) the current address of a recipient of general assistance may be disclosed to probation  
113.22 officers and corrections agents who are supervising the recipient and to law enforcement  
113.23 officers who are investigating the recipient in connection with a felony level offense;

113.24 (17) information obtained from food support applicant or recipient households may be  
113.25 disclosed to local, state, or federal law enforcement officials, upon their written request, for  
113.26 the purpose of investigating an alleged violation of the Food Stamp Act, according to Code  
113.27 of Federal Regulations, title 7, section 272.1(c);

113.28 (18) the address, Social Security number, and, if available, photograph of any member  
113.29 of a household receiving food support shall be made available, on request, to a local, state,  
113.30 or federal law enforcement officer if the officer furnishes the agency with the name of the  
113.31 member and notifies the agency that:

113.32 (i) the member:

- 114.1 (A) is fleeing to avoid prosecution, or custody or confinement after conviction, for a  
114.2 crime or attempt to commit a crime that is a felony in the jurisdiction the member is fleeing;
- 114.3 (B) is violating a condition of probation or parole imposed under state or federal law;  
114.4 or
- 114.5 (C) has information that is necessary for the officer to conduct an official duty related  
114.6 to conduct described in subitem (A) or (B);
- 114.7 (ii) locating or apprehending the member is within the officer's official duties; and
- 114.8 (iii) the request is made in writing and in the proper exercise of the officer's official duty;
- 114.9 (19) the current address of a recipient of Minnesota family investment program, general  
114.10 assistance, or food support may be disclosed to law enforcement officers who, in writing,  
114.11 provide the name of the recipient and notify the agency that the recipient is a person required  
114.12 to register under section 243.166, but is not residing at the address at which the recipient is  
114.13 registered under section 243.166;
- 114.14 (20) certain information regarding child support obligors who are in arrears may be  
114.15 made public according to section 518A.74;
- 114.16 (21) data on child support payments made by a child support obligor and data on the  
114.17 distribution of those payments excluding identifying information on obligees may be  
114.18 disclosed to all obligees to whom the obligor owes support, and data on the enforcement  
114.19 actions undertaken by the public authority, the status of those actions, and data on the income  
114.20 of the obligor or obligee may be disclosed to the other party;
- 114.21 (22) data in the work reporting system may be disclosed under section 256.998,  
114.22 subdivision 7;
- 114.23 (23) to the Department of Education for the purpose of matching Department of Education  
114.24 student data with public assistance data to determine students eligible for free and  
114.25 reduced-price meals, meal supplements, and free milk according to United States Code,  
114.26 title 42, sections 1758, 1761, 1766, 1766a, 1772, and 1773; to allocate federal and state  
114.27 funds that are distributed based on income of the student's family; and to verify receipt of  
114.28 energy assistance for the telephone assistance plan;
- 114.29 (24) the current address and telephone number of program recipients and emergency  
114.30 contacts may be released to the commissioner of health or a community health board as  
114.31 defined in section 145A.02, subdivision 5, when the commissioner or community health  
114.32 board has reason to believe that a program recipient is a disease case, carrier, suspect case,  
114.33 or at risk of illness, and the data are necessary to locate the person;

115.1 (25) to other state agencies, statewide systems, and political subdivisions of this state,  
115.2 including the attorney general, and agencies of other states, interstate information networks,  
115.3 federal agencies, and other entities as required by federal regulation or law for the  
115.4 administration of the child support enforcement program;

115.5 (26) to personnel of public assistance programs as defined in section 256.741, for access  
115.6 to the child support system database for the purpose of administration, including monitoring  
115.7 and evaluation of those public assistance programs;

115.8 (27) to monitor and evaluate the Minnesota family investment program by exchanging  
115.9 data between the Departments of Human Services and Education, on recipients and former  
115.10 recipients of food support, cash assistance under chapter 256, 256D, 256J, or 256K, child  
115.11 care assistance under chapter 119B, medical programs under chapter 256B or 256L, or a  
115.12 medical program formerly codified under chapter 256D;

115.13 (28) to evaluate child support program performance and to identify and prevent fraud  
115.14 in the child support program by exchanging data between the Department of Human Services,  
115.15 Department of Revenue under section 270B.14, subdivision 1, paragraphs (a) and (b),  
115.16 without regard to the limitation of use in paragraph (c), Department of Health, Department  
115.17 of Employment and Economic Development, and other state agencies as is reasonably  
115.18 necessary to perform these functions;

115.19 (29) counties operating child care assistance programs under chapter 119B may  
115.20 disseminate data on program participants, applicants, and providers to the commissioner of  
115.21 education;

115.22 (30) child support data on the child, the parents, and relatives of the child may be  
115.23 disclosed to agencies administering programs under titles IV-B and IV-E of the Social  
115.24 Security Act, as authorized by federal law; ~~or~~

115.25 (31) to a health care provider governed by sections 144.291 to 144.298, to the extent  
115.26 necessary to coordinate services;

115.27 (32) to school or Head Start Program personnel to the extent necessary to coordinate  
115.28 services for a student, child, or family; or

115.29 (33) for purposes of obtaining access to court services data under section 13.84,  
115.30 subdivision 5, clause (h).

115.31 (b) Information on persons who have been treated for drug or alcohol abuse may only  
115.32 be disclosed according to the requirements of Code of Federal Regulations, title 42, sections  
115.33 2.1 to 2.67.

116.1 (c) Data provided to law enforcement agencies under paragraph (a), clause (15), (16),  
116.2 (17), or (18), or paragraph (b), are investigative data and are confidential or protected  
116.3 nonpublic while the investigation is active. The data are private after the investigation  
116.4 becomes inactive under section 13.82, subdivision 5, paragraph (a) or (b).

116.5 (d) Mental health data shall be treated as provided in subdivisions 7, 8, and 9, but are  
116.6 not subject to the access provisions of subdivision 10, paragraph (b).

116.7 For the purposes of this subdivision, a request will be deemed to be made in writing if  
116.8 made through a computer interface system.

116.9 Sec. 4. Minnesota Statutes 2016, section 13.84, subdivision 5, is amended to read:

116.10 Subd. 5. **Disclosure.** Private or confidential court services data shall not be disclosed  
116.11 except:

116.12 (a) pursuant to section 13.05;

116.13 (b) pursuant to a statute specifically authorizing disclosure of court services data;

116.14 (c) with the written permission of the source of confidential data;

116.15 (d) to the court services department, parole or probation authority or state or local  
116.16 correctional agency or facility having statutorily granted supervision over the individual  
116.17 subject of the data;

116.18 (e) pursuant to subdivision 6;

116.19 (f) pursuant to a valid court order; ~~or~~

116.20 (g) pursuant to section 611A.06, subdivision 3a; or

116.21 (h) to county personnel in the community services system, as defined in section 13.46,  
116.22 subdivision 1, paragraph (c), in order to coordinate services for an individual or family.

116.23 Sec. 5. Minnesota Statutes 2016, section 626.556, subdivision 10j, is amended to read:

116.24 Subd. 10j. **Release of data to mandated reporters.** (a) A local social services or child  
116.25 protection agency, or the agency responsible for assessing or investigating the report of  
116.26 maltreatment or for providing child protective services, shall provide relevant private data  
116.27 on individuals obtained under this section to a mandated reporter who made the report and  
116.28 who has an ongoing responsibility for the health, education, or welfare of a child affected  
116.29 by the data, unless the agency determines that providing the data would not be in the best  
116.30 interests of the child. The agency may provide the data to other mandated reporters with

117.1 ongoing responsibility for the health, education, or welfare of the child. Mandated reporters  
117.2 with ongoing responsibility for the health, education, or welfare of a child affected by the  
117.3 data include the child's teachers or other appropriate school personnel, foster parents, health  
117.4 care providers, respite care workers, therapists, social workers, child care providers,  
117.5 residential care staff, crisis nursery staff, probation officers, and court services personnel.  
117.6 Under this section, a mandated reporter need not have made the report to be considered a  
117.7 person with ongoing responsibility for the health, education, or welfare of a child affected  
117.8 by the data. Data provided under this section must be limited to data pertinent to the  
117.9 individual's responsibility for caring for the child.

117.10 (b) A reporter who receives private data on individuals under this subdivision must treat  
117.11 the data according to that classification, regardless of whether the reporter is an employee  
117.12 of a government entity. The remedies and penalties under sections 13.08 and 13.09 apply  
117.13 if a reporter releases data in violation of this section or other law.

117.14 Sec. 6. **REVISOR'S INSTRUCTION.**

117.15 The revisor of statutes shall change the term "welfare data" to "community services  
117.16 data" wherever it appears in Minnesota Statutes and Minnesota Rules.

117.17 Sec. 7. **REPEALER.**

117.18 Minnesota Statutes 2016, section 13.468, is repealed.

APPENDIX  
Article locations in S1292-1

ARTICLE 1	CHILDREN AND FAMILIES SERVICES .....	Page.Ln 1.26
ARTICLE 2	OPERATIONS .....	Page.Ln 63.11
ARTICLE 3	COMMUNITY SERVICES SYSTEM DATA SHARING .....	Page.Ln 109.30

**13.468 DATA SHARING WITHIN COUNTIES.**

County welfare, human services, corrections, public health, and veterans service units within a county may inform each other as to whether an individual or family currently is being served by the county unit, without the consent of the subject of the data. Data that may be shared are limited to the following: the name, telephone number, and last known address of the data subject; and the identification and contact information regarding personnel of the county unit responsible for working with the individual or family. If further information is necessary for the county unit to carry out its duties, each county unit may share additional data if the unit is authorized by state statute or federal law to do so or the individual gives written, informed consent.

**119B.125 PROVIDER REQUIREMENTS.**

**Subd. 8. Overpayment claim for failure to comply with access to records requirement.**

(a) In establishing an overpayment claim under subdivision 6 for failure to provide access to attendance records, the county or commissioner is limited to the six years prior to the date the county or the commissioner requested the attendance records.

(b) When the commissioner or county establishes an overpayment claim against a current or former provider, the commissioner or county must provide notice of the claim to the provider. A notice of overpayment claim must specify the reason for the overpayment, the authority for making the overpayment claim, the time period in which the overpayment occurred, the amount of the overpayment, and the provider's right to appeal.

(c) The commissioner or county may seek to recover overpayments paid to a current or former provider. When a provider has been convicted of fraud under section 256.98, theft under section 609.52, or a federal crime relating to theft of state funds or fraudulent billing for a program administered by the commissioner or a county, recovery may be sought regardless of the amount of overpayment.

**256J.751 COUNTY PERFORMANCE MANAGEMENT.**

Subdivision 1. **Monthly county caseload report.** The commissioner shall report monthly to each county the following caseload information:

(1) total number of cases receiving MFIP, and subtotals of cases with one eligible parent, two eligible parents, and an eligible caregiver who is not a parent;

(2) total number of child only assistance cases;

(3) total number of eligible adults and children receiving an MFIP grant, and subtotals for cases with one eligible parent, two eligible parents, an eligible caregiver who is not a parent, and child only cases;

(4) number of cases with an exemption from the 60-month time limit based on a family violence waiver;

(5) number of MFIP cases with work hours, and subtotals for cases with one eligible parent, two eligible parents, and an eligible caregiver who is not a parent;

(6) number of employed MFIP cases, and subtotals for cases with one eligible parent, two eligible parents, and an eligible caregiver who is not a parent;

(7) average monthly gross earnings, and averages for subgroups of cases with one eligible parent, two eligible parents, and an eligible caregiver who is not a parent;

(8) number of employed cases receiving only the food portion of assistance;

(9) number of parents or caregivers exempt from work activity requirements, with subtotals for each exemption type; and

(10) number of cases with a sanction, with subtotals by level of sanction for cases with one eligible parent, two eligible parents, and an eligible caregiver who is not a parent.