

State of Minnesota
HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 2397

03/11/2019 Authored by Pryor and Pierson

The bill was read for the first time and referred to the Judiciary Finance and Civil Law Division

1.1 A bill for an act

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

1.3 families services; amending Minnesota Statutes 2018, sections 13.46, subdivision

1.4 2; 13.461, subdivision 28; 119B.02, subdivision 6; 144.216, by adding subdivisions;

1.5 144.218, by adding a subdivision; 144.225, subdivision 2b; 144.226, subdivision

1.6 1; 145.902; 256E.21, subdivision 5; 256M.41, subdivision 3, by adding a

1.7 subdivision; 256N.02, subdivisions 10, 16, 17, 18; 256N.22, subdivision 1;

1.8 256N.23, subdivisions 2, 6; 256N.24, subdivisions 1, 8, 11, 12, 14; 256N.28,

1.9 subdivision 6; 259.241; 259.35, subdivision 1; 259.37, subdivision 2; 259.53,

1.10 subdivision 4; 259.75; 259.83, subdivisions 1, 1a, 3; 259A.75, subdivisions 1, 2,

1.11 3, 4, 5; 260.761, subdivision 2; 260C.101, by adding a subdivision; 260C.139,

1.12 subdivision 3; 260C.171, subdivision 2; 260C.178, subdivision 1; 260C.212,

1.13 subdivisions 1, 2, by adding a subdivision; 260C.219; 260C.451, subdivision 9;

1.14 260C.503, subdivision 2; 260C.515, subdivisions 3, 4; 260C.605, subdivision 1;

1.15 260C.607, subdivision 6; 260C.609; 260C.611; 260C.613, subdivision 6; 260C.615,

1.16 subdivision 1; 260C.623, subdivisions 3, 4; 260C.625; 260C.629, subdivision 2;

1.17 518A.53, subdivision 11; 518A.685; 626.556, subdivisions 2, 3, 3c, 3e, 4, 7, 10,

1.18 10a, 10b, 10d, 10e, 10f, 10m, 11, 11c; 626.5561, subdivision 1; 626.558,

1.19 subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 518A;

1.20 repealing Minnesota Statutes 2018, sections 119B.125, subdivision 8; 256J.751,

1.21 subdivision 1.

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

1.23 Section 1. Minnesota Statutes 2018, section 13.46, subdivision 2, is amended to read:

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

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

1.26 (1) according to section 13.05;

1.27 (2) according to court order;

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

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

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

(6) to administer federal funds or programs;

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

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

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

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

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

(iii) to monitor and evaluate the Minnesota family investment program or the child care assistance program by exchanging data on recipients and former recipients of food support, cash assistance under chapter 256, 256D, 256J, or 256K, child care assistance under chapter

3.1 119B, medical programs under chapter 256B or 256L, or a medical program formerly
3.2 codified under chapter 256D; and

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

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

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

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

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

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

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

3.32 (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;

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

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

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

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

(32) to the chief administrative officer of a school to coordinate services for a student and family; data that may be disclosed under this clause are limited to name, date of birth, gender, and address; or

(33) to county correctional agencies to the extent necessary to coordinate services and diversion programs; data that may be disclosed under this clause are limited to name, client demographics, program, case status, and county worker information.

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

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

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

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

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

7.1 Sec. 2. Minnesota Statutes 2018, section 13.461, subdivision 28, is amended to read:

7.2 Subd. 28. **Child care assistance program.** Data collected, maintained, used, or
7.3 disseminated by the welfare system pertaining to persons selected as legal nonlicensed child
7.4 care providers by families receiving child care assistance are classified under section 119B.02,
7.5 subdivision 6, paragraph (a). Child care assistance program payment data is classified under
7.6 section 119B.02, subdivision 6, paragraph (b).

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

7.8 Sec. 3. Minnesota Statutes 2018, section 119B.02, subdivision 6, is amended to read:

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

7.13 (b) For purposes of this paragraph, "child care assistance program payment data" means
7.14 data for a specified time period showing (1) that a child care assistance program payment
7.15 under this chapter was made, and (2) the amount of child care assistance payments made
7.16 to a child care center. Child care assistance program payment data may include the number
7.17 of families and children on whose behalf payments were made for the specified time period.
7.18 Any child care assistance program payment data that may identify a specific child care
7.19 assistance recipient or benefit paid on behalf of a specific child care assistance recipient,
7.20 as determined by the commissioner, is private data on individuals as defined in section
7.21 13.02, subdivision 12. Data related to a child care assistance payment is public if the data
7.22 relates to a child care assistance payment made to a licensed child care center or a child
7.23 care center exempt from licensure and:

7.24 (1) the child care center receives payment of more than \$100,000 from the child care
7.25 assistance program under this chapter in a period of one year or less; or

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

7.27 (i) disqualified the center from receipt of a payment from the child care assistance
7.28 program under this chapter for wrongfully obtaining child care assistance under section
7.29 256.98, subdivision 8, paragraph (c);

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

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

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

8.3 Sec. 4. Minnesota Statutes 2018, section 144.216, is amended by adding a subdivision to
8.4 read:

8.5 Subd. 3. **Reporting safe place newborn births.** A hospital that receives a safe place
8.6 newborn under section 145.902 shall report the birth of the newborn to the Office of Vital
8.7 Records within five days after receiving the newborn. The state registrar must register
8.8 information about the safe place newborn according to part 4601.0600, subpart 4, item C.

8.9 **EFFECTIVE DATE.** This section is effective August 1, 2019.

8.10 Sec. 5. Minnesota Statutes 2018, section 144.216, is amended by adding a subdivision to
8.11 read:

8.12 Subd. 4. **Status of safe place birth registrations.** (a) Information about the safe place
8.13 newborn registered under subdivision 3 shall constitute the record of birth for the child. The
8.14 record is confidential data on individuals as defined in section 13.02, subdivision 3.
8.15 Information on the birth record or a birth certificate issued from the birth record shall be
8.16 disclosed only to the responsible social services agency as defined in section 260C.007,
8.17 subdivision 27a, or pursuant to court order.

8.18 (b) Pursuant to section 144.218, subdivision 6, if the safe place newborn was born in a
8.19 hospital and it is known that a record of birth was registered, the Office of Vital Records
8.20 shall replace the original birth record registered under section 144.215.

8.21 **EFFECTIVE DATE.** This section is effective August 1, 2019.

8.22 Sec. 6. Minnesota Statutes 2018, section 144.218, is amended by adding a subdivision to
8.23 read:

8.24 Subd. 6. **Safe place newborns.** If a hospital receives a safe place newborn under section
8.25 145.902 and it is known that a record of birth was registered, the hospital shall report the
8.26 newborn to the Office of Vital Records and identify the birth record. The state registrar
8.27 shall issue a replacement birth record free of information that identifies a parent. The prior
8.28 vital record is confidential data on individuals as defined in section 13.02, subdivision 3,
8.29 and shall not be disclosed except pursuant to court order.

8.30 **EFFECTIVE DATE.** This section is effective August 1, 2019.

9.1 Sec. 7. Minnesota Statutes 2018, section 144.225, subdivision 2b, is amended to read:

9.2 Subd. 2b. **Commissioner of health; duties.** Notwithstanding the designation of certain
9.3 of this data as confidential under subdivision 2 or private under subdivision 2a, the
9.4 commissioner shall give the commissioner of human services access to birth record data
9.5 and data contained in recognitions of parentage prepared according to section 257.75
9.6 necessary to enable the commissioner of human services to identify a child who is subject
9.7 to threatened injury, as defined in section 626.556, subdivision 2, paragraph ~~(p)~~ (s), by a
9.8 person responsible for the child's care, as defined in section 626.556, subdivision 2, paragraph
9.9 (j), clause (1). The commissioner shall be given access to all data included on official birth
9.10 records.

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

9.12 Sec. 8. Minnesota Statutes 2018, section 144.226, subdivision 1, is amended to read:

9.13 Subdivision 1. **Which services are for fee.** (a) The fees for the following services shall
9.14 be the following or an amount prescribed by rule of the commissioner:

9.15 (b) The fee for the administrative review and processing of a request for a certified vital
9.16 record or a certification that the vital record cannot be found is \$9. The fee is payable at the
9.17 time of application and is nonrefundable.

9.18 (c) The fee for processing a request for the replacement of a birth record for all events,
9.19 except for safe place newborns pursuant to section 144.218, subdivision 6, and when filing
9.20 a recognition of parentage pursuant to section 257.73, subdivision 1, is \$40. The fee is
9.21 payable at the time of application and is nonrefundable.

9.22 (d) The fee for administrative review and processing of a request for the filing of a
9.23 delayed registration of birth, stillbirth, or death is \$40. The fee is payable at the time of
9.24 application and is nonrefundable.

9.25 (e) The fee for administrative review and processing of a request for the amendment of
9.26 any vital record is \$40. The fee is payable at the time of application and is nonrefundable.

9.27 (f) The fee for administrative review and processing of a request for the verification of
9.28 information from vital records is \$9 when the applicant furnishes the specific information
9.29 to locate the vital record. When the applicant does not furnish specific information, the fee
9.30 is \$20 per hour for staff time expended. Specific information includes the correct date of
9.31 the event and the correct name of the subject of the record. Fees charged shall approximate
9.32 the costs incurred in searching and copying the vital records. The fee is payable at the time
9.33 of application and is nonrefundable.

(g) The fee for administrative review and processing of a request for the issuance of a copy of any document on file pertaining to a vital record or statement that a related document cannot be found is \$9. The fee is payable at the time of application and is nonrefundable.

EFFECTIVE DATE. This section is effective August 1, 2019.

Sec. 9. Minnesota Statutes 2018, section 145.902, is amended to read:

145.902 GIVE LIFE A CHANCE; SAFE PLACE FOR NEWBORNS DUTIES; IMMUNITY.

Subdivision 1. **General.** (a) For purposes of this section, a "safe place" means a hospital licensed under sections 144.50 to 144.56, including the hospital where the newborn was born, a health care provider who provides urgent care medical services, or an ambulance service licensed under chapter 144E dispatched in response to a 911 call from a mother or a person with the mother's permission to relinquish a newborn infant.

(b) A safe place shall receive a newborn left with an employee on the premises of the safe place during its hours of operation, provided that:

(1) the newborn was born within seven days of being left at the safe place, as determined within a reasonable degree of medical certainty; and

(2) the newborn is left in an unharmed condition.

(c) The safe place must not inquire as to the identity of the mother or the person leaving the newborn or call the police, provided the newborn is unharmed when presented to the hospital. The safe place may ask the mother or the person leaving the newborn about the medical history of the mother or newborn and if the newborn may have lineage to an Indian tribe and, if known, the name of the tribe but the mother or the person leaving the newborn is not required to provide any information. The safe place may provide the mother or the person leaving the newborn with information about how to contact relevant social service agencies.

(d) A safe place that is a health care provider who provides urgent care medical services shall dial 911, advise the dispatcher that the call is being made from a safe place for newborns, and ask the dispatcher to send an ambulance or take other appropriate action to transport the newborn to a hospital. An ambulance with whom a newborn is left shall transport the newborn to a hospital for care. Hospitals must receive a newborn left with a safe place and make the report as required in subdivision 2.

Subd. 2. **Reporting.** (a) Within 24 hours of receiving a newborn under this section, the hospital must inform the responsible social service agency that a newborn has been left at the hospital, but must not do so in the presence of the mother or the person leaving the newborn. The hospital must provide necessary care to the newborn pending assumption of legal responsibility by the responsible social service agency pursuant to section 260C.139, subdivision 5.

(b) Within five days of receiving a newborn under this section, a hospital shall report the newborn pursuant to section 144.216, subdivision 3. If a hospital receives a safe place newborn under section 145.902 and it is known that a record of birth was registered because the newborn was born at that hospital, the hospital shall report the newborn to the Office of Vital Records and identify the birth record. The state registrar shall issue a replacement birth record pursuant to section 144.218, subdivision 6.

Subd. 3. **Immunity.** (a) A safe place with responsibility for performing duties under this section, and any hospital, employee, doctor, ambulance personnel, or other medical professional working at the safe place, are immune from any criminal liability that otherwise might result from their actions, if they are acting in good faith in receiving a newborn, and are immune from any civil liability or administrative penalty that otherwise might result from merely receiving a newborn.

(b) A safe place performing duties under this section, or an employee, doctor, ambulance personnel, or other medical professional working at the safe place who is a mandated reporter under section 626.556, is immune from any criminal or civil liability that otherwise might result from the failure to make a report under that section if the person is acting in good faith in complying with this section.

EFFECTIVE DATE. This section is effective August 1, 2019.

Sec. 10. Minnesota Statutes 2018, section 256E.21, subdivision 5, is amended to read:

Subd. 5. **Child abuse.** "Child abuse" means sexual abuse, neglect, or physical abuse as defined in section 626.556, subdivision 2, paragraphs (g), (k), and ~~(n)~~ (p).

EFFECTIVE DATE. This section is effective August 1, 2019.

Sec. 11. Minnesota Statutes 2018, section 256M.41, subdivision 3, is amended to read:

Subd. 3. **Payments ~~based on performance.~~** (a) The commissioner shall make payments under this section to each county ~~board on a calendar year basis in an amount determined under paragraph (b)~~ on or before July 10 of each year.

12.1 ~~(b) Calendar year allocations under subdivision 1 shall be paid to counties in the following~~
12.2 ~~manner:~~

12.3 ~~(1) 80 percent of the allocation as determined in subdivision 1 must be paid to counties~~
12.4 ~~on or before July 10 of each year;~~

12.5 ~~(2) ten percent of the allocation shall be withheld until the commissioner determines if~~
12.6 ~~the county has met the performance outcome threshold of 90 percent based on face-to-face~~
12.7 ~~contact with alleged child victims. In order to receive the performance allocation, the county~~
12.8 ~~child protection workers must have a timely face-to-face contact with at least 90 percent of~~
12.9 ~~all alleged child victims of screened-in maltreatment reports. The standard requires that~~
12.10 ~~each initial face-to-face contact occur consistent with timelines defined in section 626.556,~~
12.11 ~~subdivision 10, paragraph (i). The commissioner shall make threshold determinations in~~
12.12 ~~January of each year and payments to counties meeting the performance outcome threshold~~
12.13 ~~shall occur in February of each year. Any withheld funds from this appropriation for counties~~
12.14 ~~that do not meet this requirement shall be reallocated by the commissioner to those counties~~
12.15 ~~meeting the requirement; and~~

12.16 ~~(3) ten percent of the allocation shall be withheld until the commissioner determines~~
12.17 ~~that the county has met the performance outcome threshold of 90 percent based on~~
12.18 ~~face-to-face visits by the case manager. In order to receive the performance allocation, the~~
12.19 ~~total number of visits made by caseworkers on a monthly basis to children in foster care~~
12.20 ~~and children receiving child protection services while residing in their home must be at least~~
12.21 ~~90 percent of the total number of such visits that would occur if every child were visited~~
12.22 ~~once per month. The commissioner shall make such determinations in January of each year~~
12.23 ~~and payments to counties meeting the performance outcome threshold shall occur in February~~
12.24 ~~of each year. Any withheld funds from this appropriation for counties that do not meet this~~
12.25 ~~requirement shall be reallocated by the commissioner to those counties meeting the~~
12.26 ~~requirement. For 2015, the commissioner shall only apply the standard for monthly foster~~
12.27 ~~care visits.~~

12.28 ~~(c) The commissioner shall work with stakeholders and the Human Services Performance~~
12.29 ~~Council under section 402A.16 to develop recommendations for specific outcome measures~~
12.30 ~~that counties should meet in order to receive funds withheld under paragraph (b), and include~~
12.31 ~~in those recommendations a determination as to whether the performance measures under~~
12.32 ~~paragraph (b) should be modified or phased out. The commissioner shall report the~~
12.33 ~~recommendations to the legislative committees having jurisdiction over child protection~~
12.34 ~~issues by January 1, 2018.~~

13.1 **EFFECTIVE DATE.** This section is effective August 1, 2019.

13.2 Sec. 12. Minnesota Statutes 2018, section 256M.41, is amended by adding a subdivision
13.3 to read:

13.4 **Subd. 4. County performance on child protection measures.** The commissioner shall
13.5 set child protection measures and standards. The commissioner shall require an
13.6 underperforming county to demonstrate that the county designated sufficient funds and
13.7 implemented a reasonable strategy to improve child protection performance, including the
13.8 provision of a performance improvement plan and additional remedies identified by the
13.9 commissioner. The commissioner may reallocate up to 20 percent of a county's funds under
13.10 this section toward the program improvement plan. Sanctions under section 256M.20,
13.11 subdivision 3, related to noncompliance with federal performance standards also apply.

13.12 **EFFECTIVE DATE.** This section is effective August 1, 2019.

13.13 Sec. 13. Minnesota Statutes 2018, section 256N.02, subdivision 10, is amended to read:

13.14 **Subd. 10. Financially responsible agency.** "Financially responsible agency" means the
13.15 agency that is financially responsible for a child. These agencies include both local social
13.16 service agencies under section 393.07 and tribal social service agencies authorized in section
13.17 256.01, subdivision 14b, as part of the American Indian Child Welfare Initiative, and
13.18 Minnesota tribes who assume financial responsibility of children from other states. Under
13.19 Northstar Care for Children, the agency that is financially responsible at the time of placement
13.20 for foster care continues to be responsible under section 256N.27 for the local share of any
13.21 maintenance payments, even after finalization of the adoption ~~of~~ or transfer of permanent
13.22 legal and physical custody of a child.

13.23 **EFFECTIVE DATE.** This section is effective August 1, 2019.

13.24 Sec. 14. Minnesota Statutes 2018, section 256N.02, subdivision 16, is amended to read:

13.25 **Subd. 16. Permanent legal and physical custody.** "Permanent legal and physical
13.26 custody" means (1) a full transfer of permanent legal and physical custody ordered by a
13.27 Minnesota juvenile court under section 256C.515, subdivision 4, to a relative ~~ordered by a~~
13.28 ~~Minnesota juvenile court under section 260C.515, subdivision 4,~~ who is not a parent as
13.29 defined in section 260C.007, subdivision 25, or (2) for a child under jurisdiction of a tribal
13.30 court, a judicial determination under a similar provision in tribal code which means that a
13.31 relative will assume the duty and authority to provide care, control, and protection of a child
13.32 who is residing in foster care, and to make decisions regarding the child's education, health

14.1 care, and general welfare until adulthood. For purposes of establishing eligibility for Northstar
14.2 kinship assistance, permanent legal and physical custody must not include joint legal custody,
14.3 joint physical custody, or joint legal and joint physical custody between a child's parent and
14.4 relative custodian.

14.5 **EFFECTIVE DATE.** This section is effective August 1, 2019.

14.6 Sec. 15. Minnesota Statutes 2018, section 256N.02, subdivision 17, is amended to read:

14.7 Subd. 17. **Reassessment.** "Reassessment" means an update of a previous assessment
14.8 through the process under section 256N.24 for a child who has been continuously eligible
14.9 for Northstar Care for Children, or when a child identified as an at-risk child (Level A)
14.10 under ~~guardianship or~~ adoption assistance has manifested the disability upon which eligibility
14.11 for the agreement was based according to section 256N.25, subdivision 3, paragraph (b).
14.12 A reassessment may be used to update an initial assessment, a special assessment, or a
14.13 previous reassessment.

14.14 **EFFECTIVE DATE.** This section is effective August 1, 2019.

14.15 Sec. 16. Minnesota Statutes 2018, section 256N.02, subdivision 18, is amended to read:

14.16 Subd. 18. **Relative.** "Relative," as described in section 260C.007, subdivision 27, means
14.17 a person related to the child by blood, marriage, or adoption; the legal parent, guardian, or
14.18 custodian of the child's siblings; or an individual who is an important friend with whom the
14.19 child has resided or had significant contact. For an Indian child, relative, as described in
14.20 section 260C.007, subdivision 26b, means a person who is a member of the Indian child's
14.21 family as defined in the Indian Child Welfare Act of 1978, United States Code, title 25,
14.22 section 1903, paragraphs (2), (6), and (9).

14.23 **EFFECTIVE DATE.** This section is effective August 1, 2019.

14.24 Sec. 17. Minnesota Statutes 2018, section 256N.22, subdivision 1, is amended to read:

14.25 Subdivision 1. **General eligibility requirements.** (a) To be eligible for Northstar kinship
14.26 assistance under this section, there must be a judicial determination under section 260C.515,
14.27 subdivision 4, that a transfer of permanent legal and physical custody to a relative who is
14.28 not a parent of the child is in the child's best interest. For a child under jurisdiction of a
14.29 tribal court, a judicial determination under a similar provision in tribal code indicating that
14.30 a relative will assume the duty and authority to provide care, control, and protection of a
14.31 child who is residing in foster care, and to make decisions regarding the child's education,
14.32 health care, and general welfare until adulthood, and that this is in the child's best interest

15.1 is considered equivalent. A child whose parent shares legal, physical, or legal and physical
15.2 custody with a relative custodian is not eligible for Northstar kinship assistance. Additionally,
15.3 a child must:

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

15.6 (2)(i) have resided with the prospective relative custodian who has been a licensed child
15.7 foster parent for at least six consecutive months; or

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

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

15.12 (B) expedited permanency cannot be completed without provision of Northstar kinship
15.13 assistance;

15.14 (C) the prospective relative custodian is uniquely qualified to meet the child's needs, as
15.15 defined in section 260C.212, subdivision 2, on a permanent basis;

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

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

15.21 (3) meet the agency determinations regarding permanency requirements in subdivision
15.22 2;

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

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

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

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

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

EFFECTIVE DATE. This section is effective August 1, 2019.

Sec. 18. Minnesota Statutes 2018, section 256N.23, subdivision 2, is amended to read:

Subd. 2. **Special needs determination.** (a) A child is considered a child with special needs under this section if the requirements in paragraphs (b) to (g) are met.

(b) There must be a determination that the child must not or should not be returned to the home of the child's parents as evidenced by:

(1) a court-ordered termination of parental rights;

(2) a petition to terminate parental rights;

(3) consent of parent to adoption accepted by the court under chapter 260C;

(4) in circumstances when tribal law permits the child to be adopted without a termination of parental rights, a judicial determination by a tribal court indicating the valid reason why the child cannot or should not return home;

(5) a voluntary relinquishment under section 259.25 or ~~259.47~~ or, if relinquishment occurred in another state, the applicable laws in that state; or

(6) the death of the legal parent or parents if the child has two legal parents.

(c) There exists a specific factor or condition of which it is reasonable to conclude that the child cannot be placed with adoptive parents without providing adoption assistance as evidenced by:

(1) a determination by the Social Security Administration that the child meets all medical or disability requirements of title XVI of the Social Security Act with respect to eligibility for Supplemental Security Income benefits;

17.1 (2) a documented physical, mental, emotional, or behavioral disability not covered under
17.2 clause (1);

17.3 (3) a member of a sibling group being adopted at the same time by the same parent;

17.4 (4) an adoptive placement in the home of a parent who previously adopted a sibling for
17.5 whom they receive adoption assistance; or

17.6 (5) documentation that the child is an at-risk child.

17.7 (d) A reasonable but unsuccessful effort must have been made to place the child with
17.8 adoptive parents without providing adoption assistance as evidenced by:

17.9 (1) a documented search for an appropriate adoptive placement; or

17.10 (2) a determination by the commissioner that a search under clause (1) is not in the best
17.11 interests of the child.

17.12 (e) The requirement for a documented search for an appropriate adoptive placement
17.13 under paragraph (d), including the registration of the child with the state adoption exchange
17.14 and other recruitment methods under paragraph (f), must be waived if:

17.15 (1) the child is being adopted by a relative and it is determined by the child-placing
17.16 agency that adoption by the relative is in the best interests of the child;

17.17 (2) the child is being adopted by a foster parent with whom the child has developed
17.18 significant emotional ties while in the foster parent's care as a foster child and it is determined
17.19 by the child-placing agency that adoption by the foster parent is in the best interests of the
17.20 child; or

17.21 (3) the child is being adopted by a parent that previously adopted a sibling of the child,
17.22 and it is determined by the child-placing agency that adoption by this parent is in the best
17.23 interests of the child.

17.24 For an Indian child covered by the Indian Child Welfare Act, a waiver must not be
17.25 granted unless the child-placing agency has complied with the placement preferences required
17.26 by the Indian Child Welfare Act, United States Code, title 25, section 1915(a).

17.27 (f) To meet the requirement of a documented search for an appropriate adoptive placement
17.28 under paragraph (d), clause (1), the child-placing agency minimally must:

17.29 (1) conduct a relative search as required by section 260C.221 and give consideration to
17.30 placement with a relative, as required by section 260C.212, subdivision 2;

(2) comply with the placement preferences required by the Indian Child Welfare Act when the Indian Child Welfare Act, United States Code, title 25, section 1915(a), applies;

(3) locate prospective adoptive families by registering the child on the state adoption exchange, as required under section 259.75; and

(4) if registration with the state adoption exchange does not result in the identification of an appropriate adoptive placement, the agency must employ additional recruitment methods prescribed by the commissioner.

(g) Once the legally responsible agency has determined that placement with an identified parent is in the child's best interests and made full written disclosure about the child's social and medical history, the agency must ask the prospective adoptive parent if the prospective adoptive parent is willing to adopt the child without receiving adoption assistance under this section. If the identified parent is either unwilling or unable to adopt the child without adoption assistance, the legally responsible agency must provide documentation as prescribed by the commissioner to fulfill the requirement to make a reasonable effort to place the child without adoption assistance. If the identified parent is willing to adopt the child without adoption assistance, the parent must provide a written statement to this effect to the legally responsible agency and the statement must be maintained in the permanent adoption record of the legally responsible agency. For children under guardianship of the commissioner, the legally responsible agency shall submit a copy of this statement to the commissioner to be maintained in the permanent adoption record.

EFFECTIVE DATE. This section is effective August 1, 2019.

Sec. 19. Minnesota Statutes 2018, section 256N.23, subdivision 6, is amended to read:

Subd. 6. **Exclusions.** The commissioner must not enter into an adoption assistance agreement with the following individuals:

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

(2) a child's relative under section 260C.007, subdivision 26b or 27, with whom the child resided immediately prior to child welfare involvement unless:

(i) the child was in the custody of a Minnesota county or tribal agency pursuant to an order under chapter 260C or equivalent provisions of tribal code and the agency had placement and care responsibility for permanency planning for the child; and

(ii) the child is under guardianship of the commissioner of human services according to the requirements of section 260C.325, subdivision 1 or 3, or is a ward of a Minnesota tribal

19.1 court after termination of parental rights, suspension of parental rights, or a finding by the
19.2 tribal court that the child cannot safely return to the care of the parent;

19.3 (3) an individual adopting a child who is the subject of a direct adoptive placement under
19.4 section 259.47 or the equivalent in tribal code;

19.5 (4) a child's legal custodian or guardian who is now adopting the child, except for a
19.6 relative custodian as defined in section 256N.02, subdivision 19, who is currently receiving
19.7 Northstar kinship assistance benefits; or

19.8 (5) an individual who is adopting a child who is not a citizen or resident of the United
19.9 States and was either adopted in another country or brought to the United States for the
19.10 purposes of adoption.

19.11 **EFFECTIVE DATE.** This section is effective August 1, 2019.

19.12 Sec. 20. Minnesota Statutes 2018, section 256N.24, subdivision 1, is amended to read:

19.13 Subdivision 1. **Assessment.** (a) Each child eligible under sections 256N.21, 256N.22,
19.14 and 256N.23, must be assessed to determine the benefits the child may receive under section
19.15 256N.26, in accordance with the assessment tool, process, and requirements specified in
19.16 subdivision 2.

19.17 (b) If an agency applies the emergency foster care rate for initial placement under section
19.18 256N.26, the agency may wait up to 30 days to complete the initial assessment.

19.19 (c) Unless otherwise specified in paragraph (d), a child must be assessed at the basic
19.20 level, level B, or one of ten supplemental difficulty of care levels, levels C to L.

19.21 (d) An assessment must not be completed for:

19.22 (1) a child eligible for Northstar ~~kinship assistance under section 256N.22~~ or adoption
19.23 assistance under section 256N.23 who is determined to be an at-risk child. A child under
19.24 this clause must be assigned level A under section 256N.26, subdivision 1; and

19.25 (2) a child transitioning into Northstar Care for Children under section 256N.28,
19.26 subdivision 7, unless the commissioner determines an assessment is appropriate.

19.27 **EFFECTIVE DATE.** This section is effective August 1, 2019.

20.1 Sec. 21. Minnesota Statutes 2018, section 256N.24, subdivision 8, is amended to read:

20.2 Subd. 8. **Completing the special assessment.** (a) The special assessment must be
20.3 completed in consultation with the child's caregiver. Face-to-face contact with the caregiver
20.4 is not required to complete the special assessment.

20.5 (b) If a new special assessment is required prior to the effective date of the Northstar
20.6 kinship assistance agreement, it must be completed by the financially responsible agency,
20.7 in consultation with the legally responsible agency if different. If the prospective relative
20.8 custodian is unable or unwilling to cooperate with the special assessment process, the child
20.9 shall be assigned the basic level, level B under section 256N.26, subdivision 3, ~~unless the~~
20.10 ~~child is known to be an at-risk child, in which case, the child shall be assigned level A under~~
20.11 ~~section 256N.26, subdivision 1.~~

20.12 (c) If a special assessment is required prior to the effective date of the adoption assistance
20.13 agreement, it must be completed by the financially responsible agency, in consultation with
20.14 the legally responsible agency if different. If there is no financially responsible agency, the
20.15 special assessment must be completed by the agency designated by the commissioner. If
20.16 the prospective adoptive parent is unable or unwilling to cooperate with the special
20.17 assessment process, the child must be assigned the basic level, level B under section 256N.26,
20.18 subdivision 3, unless the child is known to be an at-risk child, in which case, the child shall
20.19 be assigned level A under section 256N.26, subdivision 1.

20.20 (d) Notice to the prospective relative custodians or prospective adoptive parents must
20.21 be provided as specified in subdivision 13.

20.22 **EFFECTIVE DATE.** This section is effective August 1, 2019.

20.23 Sec. 22. Minnesota Statutes 2018, section 256N.24, subdivision 11, is amended to read:

20.24 Subd. 11. **Completion of reassessment.** (a) The reassessment must be completed in
20.25 consultation with the child's caregiver. Face-to-face contact with the caregiver is not required
20.26 to complete the reassessment.

20.27 (b) For foster children eligible under section 256N.21, reassessments must be completed
20.28 by the financially responsible agency, in consultation with the legally responsible agency
20.29 if different.

20.30 (c) If reassessment is required after the effective date of the Northstar kinship assistance
20.31 agreement, the reassessment must be completed by the financially responsible agency.

(d) If a reassessment is required after the effective date of the adoption assistance agreement, it must be completed by the financially responsible agency or, if there is no financially responsible agency, the agency designated by the commissioner.

(e) If the child's caregiver is unable or unwilling to cooperate with the reassessment, the child must be assessed at level B under section 256N.26, subdivision 3, unless the child has an a Northstar adoption assistance or Northstar kinship assistance agreement in place and is known to be an at-risk child, in which case the child must be assessed at level A under section 256N.26, subdivision 1.

EFFECTIVE DATE. This section is effective August 1, 2019.

Sec. 23. Minnesota Statutes 2018, section 256N.24, subdivision 12, is amended to read:

Subd. 12. **Approval of initial assessments, special assessments, and reassessments.** (a) Any agency completing initial assessments, special assessments, or reassessments must designate one or more supervisors or other staff to examine and approve assessments completed by others in the agency under subdivision 2. The person approving an assessment must not be the case manager or staff member completing that assessment.

(b) In cases where a special assessment or reassessment for ~~guardian~~ Northstar kinship assistance and adoption assistance is required under subdivision 8 or 11, the commissioner shall review and approve the assessment as part of the eligibility determination process outlined in section 256N.22, subdivision 7, for Northstar kinship assistance, or section 256N.23, subdivision 7, for adoption assistance. The assessment determines the maximum for the negotiated agreement amount under section 256N.25.

(c) The new rate is effective the calendar month that the assessment is approved, or the effective date of the agreement, whichever is later.

EFFECTIVE DATE. This section is effective August 1, 2019.

Sec. 24. Minnesota Statutes 2018, section 256N.24, subdivision 14, is amended to read:

Subd. 14. **Assessment tool determines rate of benefits.** The assessment tool established by the commissioner in subdivision 2 determines the monthly benefit level for children in foster care. The monthly payment for ~~guardian~~ Northstar kinship assistance or adoption assistance may be negotiated up to the monthly benefit level under foster care for those children eligible for a payment under section 256N.26, subdivision 1.

EFFECTIVE DATE. This section is effective August 1, 2019.

Sec. 25. Minnesota Statutes 2018, section 256N.28, subdivision 6, is amended to read:

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

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

EFFECTIVE DATE. This section is effective August 1, 2019.

23.1 Sec. 26. Minnesota Statutes 2018, section 259.241, is amended to read:

23.2 **259.241 ADULT ADOPTION.**

23.3 (a) Any adult person may be adopted, regardless of the adult person's residence. A
23.4 resident of Minnesota may petition the court of record having jurisdiction of adoption
23.5 proceedings to adopt an individual who has reached the age of 18 years or older.

23.6 (b) The consent of the person to be adopted shall be the only consent necessary, according
23.7 to section 259.24. The consent of an adult in the adult person's own adoption is invalid if
23.8 the adult is considered to be a vulnerable adult under section 626.5572, subdivision 21, or
23.9 if the person consenting to the adoption is determined not competent to give consent.

23.10 (c) Notwithstanding paragraph (b), a person in extended foster care under section
23.11 260C.451 may consent to the person's own adoption if the court of jurisdiction finds the
23.12 person competent to give consent.

23.13 ~~(e)~~ (d) The decree of adoption establishes a parent-child relationship between the adopting
23.14 parent or parents and the person adopted, including the right to inherit, and also terminates
23.15 the parental rights ~~and sibling relationship~~ between the adopted person and the adopted
23.16 person's birth parents ~~and siblings~~ according to section 259.59.

23.17 ~~(d)~~ (e) If the adopted person requests a change of name, the adoption decree shall order
23.18 the name change.

23.19 **EFFECTIVE DATE.** This section is effective August 1, 2019.

23.20 Sec. 27. Minnesota Statutes 2018, section 259.35, subdivision 1, is amended to read:

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

23.24 "Minnesota Statutes, section 259.59, provides that upon legally adopting a child, adoptive
23.25 parents assume all the rights and responsibilities of birth parents. The responsibilities include
23.26 providing for the child's financial support and caring for health, emotional, and behavioral
23.27 problems. Except for subsidized adoptions under Minnesota Statutes, chapter ~~259A~~ 256N,
23.28 or any other provisions of law that expressly apply to adoptive parents and children, adoptive
23.29 parents are not eligible for state or federal financial subsidies besides those that a birth
23.30 parent would be eligible to receive for a child. Adoptive parents may not terminate their
23.31 parental rights to a legally adopted child for a reason that would not apply to a birth parent
23.32 seeking to terminate rights to a child. An individual who takes guardianship of a child for

24.1 the purpose of adopting the child shall, upon taking guardianship from the child's country
24.2 of origin, assume all the rights and responsibilities of birth and adoptive parents as stated
24.3 in this paragraph."

24.4 **EFFECTIVE DATE.** This section is effective August 1, 2019.

24.5 Sec. 28. Minnesota Statutes 2018, section 259.37, subdivision 2, is amended to read:

24.6 Subd. 2. **Disclosure to birth parents and adoptive parents.** (a) An agency shall provide
24.7 a disclosure statement written in clear, plain language to be signed by the prospective
24.8 adoptive parents and birth parents, except that in intercountry adoptions, the signatures of
24.9 birth parents are not required. The disclosure statement must contain the following
24.10 information:

24.11 (1) fees charged to the adoptive parent, including any policy on sliding scale fees or fee
24.12 waivers and an itemization of the amount that will be charged for the adoption study,
24.13 counseling, postplacement services, family of origin searches, birth parent expenses
24.14 authorized under section 259.55, or any other services;

24.15 (2) timeline for the adoptive parent to make fee payments;

24.16 (3) likelihood, given the circumstances of the prospective adoptive parent and any specific
24.17 program to which the prospective adoptive parent is applying, that an adoptive placement
24.18 may be made and the estimated length of time for making an adoptive placement. These
24.19 estimates must be based on adoptive placements made with prospective parents in similar
24.20 circumstances applying to a similar program with the agency during the immediately
24.21 preceding three to five years. If an agency has not been in operation for at least three years,
24.22 it must provide summary data based on whatever adoptive placements it has made and may
24.23 include a statement about the kind of efforts it will make to achieve an adoptive placement,
24.24 including a timetable it will follow in seeking a child. The estimates must include a statement
24.25 that the agency cannot guarantee placement of a child or a time by which a child will be
24.26 placed;

24.27 (4) a statement of the services the agency will provide the birth and adoptive parents;

24.28 (5) a statement prepared by the commissioner under section 259.39 that explains the
24.29 child placement and adoption process and the respective legal rights and responsibilities of
24.30 the birth parent and prospective adoptive parent during the process including a statement
24.31 that the prospective adoptive parent is responsible for filing an adoption petition not later
24.32 than 12 months after the child is placed in the prospective adoptive home;

(6) a statement regarding any information the agency may have about attorney referral services, or about obtaining assistance with completing legal requirements for an adoption; and

(7) an acknowledgment to be signed by the birth parent and prospective adoptive parent that they have received, read, and had the opportunity to ask questions of the agency about the contents of the disclosure statement.

(b) An agency responsible for a placement or an agency supervising the placement shall obtain from the birth parents named on the original birth record an affidavit attesting to the following:

(1) the birth parent has been informed of the right of the adopted person at the age specified in section 259.89 to request from the agency the name, last known address, birthdate, and birthplace of the birth parents named on the adopted person's original birth record;

(2) each birth parent may file in the agency record an affidavit of nondisclosure objecting to the release of any or all of the information listed in clause (1) about that birth parent only, to the adopted person;

(3) if the birth parent does not file an affidavit of nondisclosure objecting to the release of information before the adopted person reaches the age specified in section 259.89, the agency may provide the adopted person with the information upon request;

(4) notwithstanding a birth parent's filed affidavit of nondisclosure, the adopted person may petition the court according to section 259.61 for release of identifying information about a birth parent. The birth parent must then have the opportunity to present evidence to the court that nondisclosure of identifying information is of greater benefit to the birth parent than disclosure to the adopted person;

(5) any objection filed by the birth parent becomes invalid when withdrawn by the birth parent; and

(6) if the birth parent filed an affidavit of nondisclosure or the birth parent's file does not contain an affidavit of disclosure, the agency shall release the identifying information to the adopted person upon receipt of the birth parent's death record and a court order authorizing disclosure under section 259.89, subdivision 5. A court order to release information is not required when a birth parent's affidavit of disclosure is filed, and no affidavit of nondisclosure was filed by either birth parent.

EFFECTIVE DATE. This section is effective August 1, 2019.

Sec. 29. Minnesota Statutes 2018, section 259.53, subdivision 4, is amended to read:

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

EFFECTIVE DATE. This section is effective August 1, 2019.

Sec. 30. Minnesota Statutes 2018, section 259.75, is amended to read:

259.75 STATE ADOPTION EXCHANGE.

Subdivision 1. **Establishment; contents; availability.** The commissioner of human services shall establish ~~an~~ a state adoption exchange ~~that contains a photograph and description of where~~ each child who has been legally freed for adoption is listed. The state adoption exchange is an information and matching tool. The state adoption exchange service shall ~~must~~ be available to all ~~local social service agencies and licensed~~ authorized child-placing agencies in Minnesota, as defined in section 257.065, whose purpose is to assist in the adoptive placement of children.

Subd. 2. ~~**Photograph and description**~~ **Submission of child's information.** ~~All local social service agencies, and licensed~~ An authorized child-placing agency shall ~~send to register on the state adoption exchange, within 45 days of the time a child becomes free for adoption, a recent photograph and description of each child in its~~ the agency's care who has been legally freed for adoption ~~by the termination of parental rights, and for whom no adoptive home has been found,~~ within 45 days of the date the child became legally free for adoption and in a format specified by the commissioner.

Subd. 2a. **Listing deadline.** All children identified under subdivision 2 must be listed on the state adoption exchange within 20 days of the receipt of the information from the ~~local social service agency or licensed~~ authorized child-placing agency.

Subd. 3. **Changes in status.** The authorized child-placing agency shall report to the state adoption exchange, in a format specified by the commissioner, changes in the status of a child ~~listed in the state adoption exchange shall be reported by the local social service agency and the licensed child-placing agency to the exchange~~ within ten working days after the change occurs.

Subd. 4. **Updated information.** Children remaining registered for 12 months shall have ~~their photographs and written descriptions~~ updated registration completed by the ~~local social service agency and the licensed~~ authorized child-placing agency within ten working days of the expiration of the 12 months, and ~~every 12 months~~ annually thereafter. The authorized

27.1 child-placing agency shall submit the registration update to the commissioner in a format
27.2 specified by the commissioner.

27.3 Subd. 5. **Withdrawal of registration.** A child's registration shall be withdrawn when
27.4 ~~the exchange service~~ commissioner has been notified in writing by the ~~local social service~~
27.5 ~~agency or the licensed~~ authorized child-placing agency that the child has been placed in an
27.6 adoptive home ~~or~~; has died; or is no longer under guardianship of the commissioner and is
27.7 no longer seeking a permanency resource.

27.8 Subd. 6. **Periodic review of status.** (a) ~~The exchange service~~ commissioner shall
27.9 ~~semiannually check~~ review the state adoption exchange status of ~~listed children for whom~~
27.10 ~~inquiries have been received,~~ including a child whose registration was withdrawn pursuant
27.11 to subdivision 5. The commissioner may determine that a child who is unregistered or whose
27.12 registration has been deferred must be registered and require the authorized child-placing
27.13 agency to register the child on the state adoption exchange within ten working days of the
27.14 commissioner's determination.

27.15 (b) ~~Periodic checks~~ reviews shall be made ~~by the service~~ to determine the progress
27.16 toward adoption of ~~those children and the status of children~~ registered ~~but never listed in~~
27.17 ~~on the exchange book because of placement in an adoptive home prior to or at the time of~~
27.18 ~~registration~~ state adoption exchange.

27.19 Subd. 7. **Voluntary referral; required registration.** ~~A local social service agency and~~
27.20 ~~a licensed~~ An authorized child-placing agency may voluntarily refer any child legally freed
27.21 for adoption to the exchange service; or the ~~exchange service~~ commissioner may determine
27.22 that the recruitment of an adoptive family through the state adoption exchange ~~book~~ is
27.23 appropriate for a child not registered with the service and require the child to be registered
27.24 with the state adoption exchange service within ten working days of the commissioner's
27.25 determination.

27.26 Subd. 8. **Reasons for deferral.** ~~Deferral of the listing of~~ (a) An authorized child-placing
27.27 agency may defer a child with from registration on the state adoption exchange ~~shall be~~
27.28 ~~only for one or more of the following reasons:~~

27.29 (a) ~~the child is in an adoptive placement but is not legally adopted;~~

27.30 (b) ~~if the child's foster parents or other individuals are now considering adoption;~~

27.31 (c) ~~diagnostic study or testing is required to clarify the child's problem and provide an~~
27.32 ~~adequate description; or~~

~~(d) the child is currently in a hospital and continuing need for daily professional care will not permit placement in a family setting.~~

~~(b) Approval of a request to defer listing for any of the reasons specified in paragraph (b) or (c) registration shall be valid for a period not to exceed 90 days, with no subsequent deferrals for those reasons, unless determined by the commissioner to be in the best interests of the child. The authorized child-placing agency shall submit a deferral request to the commissioner in a format specified by the commissioner.~~

Subd. 9. **Rules; staff.** The commissioner of human services shall make rules, procedures, requirements, and deadlines as necessary to administer this section and shall employ necessary staff to carry out the purposes of this section. The commissioner may contract for portions of these services.

EFFECTIVE DATE. This section is effective August 1, 2019.

Sec. 31. Minnesota Statutes 2018, section 259.83, subdivision 1, is amended to read:

Subdivision 1. **Services provided.** Agencies shall provide assistance and counseling services upon receiving a request for current information, to share information, or to facilitate contact from adoptive parents, birth parents, genetic siblings, or adopted persons aged 19 years and over. The agency shall contact the other adult persons or the adoptive parents of a minor child in a personal and confidential manner to determine whether there is a desire to receive or share information or to have contact. If there is such a desire, the agency shall provide the services requested. The agency shall provide services to adult genetic siblings if there is no known violation of the confidentiality of a birth parent or if the birth parent gives written consent. Any service provided by the agency shall be discontinued upon request of any party receiving the service.

EFFECTIVE DATE. This section is effective August 1, 2019.

Sec. 32. Minnesota Statutes 2018, section 259.83, subdivision 1a, is amended to read:

Subd. 1a. ~~**Social and medical history**~~ **Nonidentifying information.** (a) If a person aged 19 years and over ~~who was adopted on or after August 1, 1994,~~ or the adoptive parent requests the detailed nonidentifying social and medical history of the adopted person's birth family that was provided at the time of the adoption, agencies must provide the information to the adopted person or adoptive parent on the applicable form required under ~~section~~ sections 259.43 and 260C.609.

(b) If an adopted person aged 19 years and over or the adoptive parent requests the agency to contact the adopted person's birth parents to request current nonidentifying social and medical history of the adopted person's birth family, agencies must use the applicable form required under ~~section~~ sections 259.43 and 260C.609 when obtaining the information for the adopted person or adoptive parent.

EFFECTIVE DATE. This section is effective August 1, 2019.

Sec. 33. Minnesota Statutes 2018, section 259.83, subdivision 3, is amended to read:

Subd. 3. ~~Identifying information~~ **Affidavit of disclosure or nondisclosure.** ~~In adoptive placements made on and after August 1, 1982, the agency responsible for or supervising the placement shall obtain from the birth parents named on the original birth record an affidavit attesting to the following:~~

~~(a) that the birth parent has been informed of the right of the adopted person at the age specified in section 259.89 to request from the agency the name, last known address, birthdate and birthplace of the birth parents named on the adopted person's original birth record;~~

~~(b) that each birth parent may file in the agency record an affidavit objecting to the release of any or all of the information listed in clause (a) about that birth parent, and that parent only, to the adopted person;~~

~~(c) that if the birth parent does not file an affidavit objecting to release of information before the adopted person reaches the age specified in section 259.89, the agency will provide the adopted person with the information upon request;~~

~~(d) that notwithstanding the filing of an affidavit, the adopted person may petition the court according to section 259.61 for release of identifying information about a birth parent;~~

~~(e) that the birth parent shall then have the opportunity to present evidence to the court that nondisclosure of identifying information is of greater benefit to the birth parent than disclosure to the adopted person; and~~

~~(f) that any objection filed by the birth parent shall become invalid when withdrawn by the birth parent or when the birth parent dies. Upon receipt of a death record for the birth parent, the agency shall release the identifying information to the adopted person if requested.~~

(a) Access to the original birth record of an adopted person is governed by section 259.89. Upon receiving notice from the commissioner of a request for release of birth records, an agency shall determine whether an affidavit of disclosure has been filed in the agency records according to section 259.37, subdivision 2, paragraph (b).

(b) If an affidavit of disclosure was filed and no affidavit of nondisclosure was filed by either birth parent according to section 259.37, subdivision 2, paragraph (b), the agency shall provide the name, last known address, birthdate, and birthplace of the birth parents named on the adopted person's original birth record. The agency shall not release a birth parent's information if an affidavit of nondisclosure was filed by that birth parent, unless authorized by court order.

(c) If an affidavit of disclosure was not filed, the agency shall make reasonable efforts to locate and notify each birth parent of the request, of the right to file an affidavit of nondisclosure according to section 259.37, subdivision 2, paragraph (b), clause (2), with the state registrar, and of how filing or not filing an affidavit of disclosure or affidavit of nondisclosure affects the release of the original birth record. For a birth parent who has been located, an agency must follow the procedures outlined in section 259.37, subdivision 2, paragraph (b).

EFFECTIVE DATE. This section is effective August 1, 2019.

Sec. 34. Minnesota Statutes 2018, section 259A.75, subdivision 1, is amended to read:

Subdivision 1. **General information.** (a) Subject to the procedures required by the commissioner and the provisions of this section, a Minnesota county or tribal agency shall receive a reimbursement from the commissioner equal to 100 percent of the reasonable and appropriate cost for contracted adoption placement services identified for a specific child that are not reimbursed under other federal or state funding sources.

(b) The commissioner may spend up to \$16,000 for each purchase of service contract. Only one contract per child per adoptive placement is permitted. Funds encumbered and obligated under the contract for the child remain available until the terms of the contract are fulfilled or the contract is terminated.

(c) The commissioner shall set aside an amount not to exceed five percent of the total amount of the fiscal year appropriation from the state for the adoption assistance program to reimburse a Minnesota county or tribal social services placing agency for child-specific adoption placement services. When adoption assistance payments for children's needs exceed 95 percent of the total amount of the fiscal year appropriation from the state for the adoption assistance program, the amount of reimbursement available to placing agencies for adoption services is reduced correspondingly.

EFFECTIVE DATE. This section is effective August 1, 2019.

31.1 Sec. 35. Minnesota Statutes 2018, section 259A.75, subdivision 2, is amended to read:

31.2 Subd. 2. **Purchase of service contract child eligibility criteria.** ~~(a)~~ A child who is the
31.3 subject of a purchase of service contract must:

31.4 (1) have the goal of adoption, which may include an adoption in accordance with tribal
31.5 law;

31.6 (2) be under the guardianship of the commissioner of human services or be a ward of
31.7 tribal court pursuant to section 260.755, subdivision 20; and

31.8 (3) ~~meet all of the~~ be a child with special needs ~~criteria~~ according to section ~~259A.10~~
31.9 ~~256N.23~~, subdivision 2.

31.10 ~~(b) A child under the guardianship of the commissioner must have an identified adoptive~~
31.11 ~~parent and a fully executed adoption placement agreement according to section 260C.613,~~
31.12 ~~subdivision 1, paragraph (a).~~

31.13 **EFFECTIVE DATE.** This section is effective August 1, 2019.

31.14 Sec. 36. Minnesota Statutes 2018, section 259A.75, subdivision 3, is amended to read:

31.15 Subd. 3. **Agency eligibility criteria.** (a) A Minnesota county or tribal social services
31.16 agency shall ~~receive reimbursement for~~ enter into a child-specific agreement for adoption
31.17 placement services for an eligible child that it purchases from a private adoption agency
31.18 licensed in Minnesota or any other state or tribal social services agency.

31.19 (b) Reimbursement for adoption services is available only for services approved through
31.20 a fully executed child-specific contract for adoption services and provided prior to the date
31.21 of the adoption decree.

31.22 **EFFECTIVE DATE.** This section is effective August 1, 2019.

31.23 Sec. 37. Minnesota Statutes 2018, section 259A.75, subdivision 4, is amended to read:

31.24 Subd. 4. **Application and eligibility determination.** (a) A county or tribal social services
31.25 agency may request reimbursement of costs for adoption placement services by submitting
31.26 a complete purchase of service application, according to the requirements and procedures
31.27 and on forms prescribed by the commissioner.

31.28 (b) The commissioner shall determine eligibility for reimbursement of adoption placement
31.29 services. If determined eligible, the commissioner of human services shall sign the purchase
31.30 of service agreement, making this a fully executed contract. No reimbursement under this
31.31 section shall be made to an agency for services provided prior to the fully executed contract.

32.1 (c) Separate purchase of service agreements shall be made, and separate records
32.2 maintained, on each child. Only one agreement per child per adoptive placement is permitted.
32.3 For siblings who are placed together, services shall be planned and provided to best maximize
32.4 efficiency of the contracted hours.

32.5 **EFFECTIVE DATE.** This section is effective August 1, 2019.

32.6 Sec. 38. Minnesota Statutes 2018, section 259A.75, subdivision 5, is amended to read:

32.7 Subd. 5. **Reimbursement process.** (a) The agency providing adoption services is
32.8 responsible to track and record all service activity, including billable hours, on a form
32.9 prescribed by the commissioner. The agency shall submit this form to the state for
32.10 reimbursement after services have been completed. Reimbursement may be made directly
32.11 to the county or tribal social services agency or private child-placing agency.

32.12 (b) The commissioner shall make the final determination whether or not the requested
32.13 reimbursement costs are reasonable and appropriate and if the services have been completed
32.14 according to the terms of the purchase of service agreement.

32.15 **EFFECTIVE DATE.** This section is effective August 1, 2019.

32.16 Sec. 39. Minnesota Statutes 2018, section 260.761, subdivision 2, is amended to read:

32.17 Subd. 2. **Agency and court notice to tribes.** (a) When a local social services agency
32.18 has information that a family assessment or investigation being conducted may involve an
32.19 Indian child, the local social services agency shall notify the Indian child's tribe of the family
32.20 assessment or investigation according to section 626.556, subdivision 10, paragraph ~~(a)~~ (b),
32.21 clause (5). Initial notice shall be provided by telephone and by e-mail or facsimile. The
32.22 local social services agency shall request that the tribe or a designated tribal representative
32.23 participate in evaluating the family circumstances, identifying family and tribal community
32.24 resources, and developing case plans.

32.25 (b) When a local social services agency has information that a child receiving services
32.26 may be an Indian child, the local social services agency shall notify the tribe by telephone
32.27 and by e-mail or facsimile of the child's full name and date of birth, the full names and dates
32.28 of birth of the child's biological parents, and, if known, the full names and dates of birth of
32.29 the child's grandparents and of the child's Indian custodian. This notification must be provided
32.30 so the tribe can determine if the child is enrolled in the tribe or eligible for membership,
32.31 and must be provided within seven days. If information regarding the child's grandparents
32.32 or Indian custodian is not available within the seven-day period, the local social services

33.1 agency shall continue to request this information and shall notify the tribe when it is received.
33.2 Notice shall be provided to all tribes to which the child may have any tribal lineage. If the
33.3 identity or location of the child's parent or Indian custodian and tribe cannot be determined,
33.4 the local social services agency shall provide the notice required in this paragraph to the
33.5 United States secretary of the interior.

33.6 (c) In accordance with sections 260C.151 and 260C.152, when a court has reason to
33.7 believe that a child placed in emergency protective care is an Indian child, the court
33.8 administrator or a designee shall, as soon as possible and before a hearing takes place, notify
33.9 the tribal social services agency by telephone and by e-mail or facsimile of the date, time,
33.10 and location of the emergency protective case hearing. The court shall make efforts to allow
33.11 appearances by telephone for tribal representatives, parents, and Indian custodians.

33.12 (d) A local social services agency must provide the notices required under this subdivision
33.13 at the earliest possible time to facilitate involvement of the Indian child's tribe. Nothing in
33.14 this subdivision is intended to hinder the ability of the local social services agency and the
33.15 court to respond to an emergency situation. Lack of participation by a tribe shall not prevent
33.16 the tribe from intervening in services and proceedings at a later date. A tribe may participate
33.17 at any time. At any stage of the local social services agency's involvement with an Indian
33.18 child, the agency shall provide full cooperation to the tribal social services agency, including
33.19 disclosure of all data concerning the Indian child. Nothing in this subdivision relieves the
33.20 local social services agency of satisfying the notice requirements in the Indian Child Welfare
33.21 Act.

33.22 **EFFECTIVE DATE.** This section is effective August 1, 2019.

33.23 Sec. 40. Minnesota Statutes 2018, section 260C.101, is amended by adding a subdivision
33.24 to read:

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

33.31 **EFFECTIVE DATE.** This section is effective August 1, 2019.

34.1 Sec. 41. Minnesota Statutes 2018, section 260C.139, subdivision 3, is amended to read:

34.2 Subd. 3. **Status of child.** For purposes of proceedings under this chapter and adoption
34.3 proceedings, a newborn left at a safe place, pursuant to subdivision 3 and section 145.902,
34.4 is considered an abandoned child under section 626.556, subdivision 2, paragraph ~~(θ)~~ (r),
34.5 clause (2). The child is abandoned under sections 260C.007, subdivision 6, clause (1), and
34.6 260C.301, subdivision 1, paragraph (b), clause (1).

34.7 **EFFECTIVE DATE.** This section is effective August 1, 2019.

34.8 Sec. 42. Minnesota Statutes 2018, section 260C.171, subdivision 2, is amended to read:

34.9 Subd. 2. **Public inspection of records.** (a) The records from proceedings or portions of
34.10 proceedings involving a child in need of protection or services, permanency, or termination
34.11 of parental rights are accessible to the public as authorized by the Minnesota Rules of
34.12 Juvenile Protection Procedure-, except that the court shall maintain the confidentiality of a
34.13 child's education, physical health, and mental health records or information. A petition filed
34.14 alleging a child to be habitually truant under section 260C.007, subdivision 6, clause (14),
34.15 is not part of the child's education record or information. The court shall maintain the
34.16 confidentiality of any record filed in proceedings under chapter 260D.

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

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

34.27 **EFFECTIVE DATE.** This section is effective August 1, 2019.

34.28 Sec. 43. Minnesota Statutes 2018, section 260C.178, subdivision 1, is amended to read:

34.29 Subdivision 1. **Hearing and release requirements.** (a) If a child was taken into custody
34.30 under section 260C.175, subdivision 1, clause (1) or (2), item (ii), the court shall hold a
34.31 hearing within 72 hours of the time the child was taken into custody, excluding Saturdays,
34.32 Sundays, and holidays, to determine whether the child should continue in custody.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38.3 **EFFECTIVE DATE.** This section is effective August 1, 2019.

38.4 Sec. 44. Minnesota Statutes 2018, section 260C.212, subdivision 1, is amended to read:

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

38.9 (b) An out-of-home placement plan means a written document which is prepared by the
38.10 responsible social services agency jointly with the parent or parents or guardian of the child
38.11 and in consultation with the child's guardian ad litem, the child's tribe, if the child is an
38.12 Indian child, the child's foster parent or representative of the foster care facility, and, where
38.13 appropriate, the child. When a child is age 14 or older, the child may include two other
38.14 individuals on the team preparing the child's out-of-home placement plan. The child may
38.15 select one member of the case planning team to be designated as the child's ~~advisor~~ adviser
38.16 and to advocate with respect to the application of the reasonable and prudent parenting
38.17 standards. The responsible social services agency may reject an individual selected by the
38.18 child if the agency has good cause to believe that the individual would not act in the best
38.19 interest of the child. For a child in voluntary foster care for treatment under chapter 260D,
38.20 preparation of the out-of-home placement plan shall additionally include the child's mental
38.21 health treatment provider. For a child 18 years of age or older, the responsible social services
38.22 agency shall involve the child and the child's parents as appropriate. As appropriate, the
38.23 plan shall be:

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

38.25 (2) ordered by the court, either as presented or modified after hearing, under section
38.26 260C.178, subdivision 7, or 260C.201, subdivision 6; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) the child's grade level performance;

(iii) the child's school record;

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

- 41.1 (v) any other relevant educational information;
- 41.2 (10) the efforts by the responsible social services agency to ensure the oversight and
41.3 continuity of health care services for the foster child, including:
- 41.4 (i) the plan to schedule the child's initial health screens;
- 41.5 (ii) how the child's known medical problems and identified needs from the screens,
41.6 including any known communicable diseases, as defined in section 144.4172, subdivision
41.7 2, shall be monitored and treated while the child is in foster care;
- 41.8 (iii) how the child's medical information shall be updated and shared, including the
41.9 child's immunizations;
- 41.10 (iv) who is responsible to coordinate and respond to the child's health care needs,
41.11 including the role of the parent, the agency, and the foster parent;
- 41.12 (v) who is responsible for oversight of the child's prescription medications;
- 41.13 (vi) how physicians or other appropriate medical and nonmedical professionals shall be
41.14 consulted and involved in assessing the health and well-being of the child and determine
41.15 the appropriate medical treatment for the child; and
- 41.16 (vii) the responsibility to ensure that the child has access to medical care through either
41.17 medical insurance or medical assistance;
- 41.18 (11) the health records of the child including information available regarding:
- 41.19 (i) the names and addresses of the child's health care and dental care providers;
- 41.20 (ii) a record of the child's immunizations;
- 41.21 (iii) the child's known medical problems, including any known communicable diseases
41.22 as defined in section 144.4172, subdivision 2;
- 41.23 (iv) the child's medications; and
- 41.24 (v) any other relevant health care information such as the child's eligibility for medical
41.25 insurance or medical assistance;
- 41.26 (12) an independent living plan for a child 14 years of age or older, developed in
41.27 consultation with the child. The child may select one member of the case planning team to
41.28 be designated as the child's ~~advisor~~ adviser and to advocate with respect to the application
41.29 of the reasonable and prudent parenting standards in subdivision 14. The plan should include,
41.30 but not be limited to, the following objectives:
- 41.31 (i) educational, vocational, or employment planning;

- 42.1 (ii) health care planning and medical coverage;
- 42.2 (iii) transportation including, where appropriate, assisting the child in obtaining a driver's
42.3 license;
- 42.4 (iv) money management, including the responsibility of the responsible social services
42.5 agency to ensure that the child annually receives, at no cost to the child, a consumer report
42.6 as defined under section 13C.001 and assistance in interpreting and resolving any inaccuracies
42.7 in the report;
- 42.8 (v) planning for housing;
- 42.9 (vi) social and recreational skills;
- 42.10 (vii) establishing and maintaining connections with the child's family and community;
42.11 and
- 42.12 (viii) regular opportunities to engage in age-appropriate or developmentally appropriate
42.13 activities typical for the child's age group, taking into consideration the capacities of the
42.14 individual child;
- 42.15 (13) for a child in voluntary foster care for treatment under chapter 260D, diagnostic
42.16 and assessment information, specific services relating to meeting the mental health care
42.17 needs of the child, and treatment outcomes; and
- 42.18 (14) for a child 14 years of age or older, a signed acknowledgment that describes the
42.19 child's rights regarding education, health care, visitation, safety and protection from
42.20 exploitation, and court participation; receipt of the documents identified in section 260C.452;
42.21 and receipt of an annual credit report. The acknowledgment shall state that the rights were
42.22 explained in an age-appropriate manner to the child.
- 42.23 (d) The parent or parents or guardian and the child each shall have the right to legal
42.24 counsel in the preparation of the case plan and shall be informed of the right at the time of
42.25 placement of the child. The child shall also have the right to a guardian ad litem. If unable
42.26 to employ counsel from their own resources, the court shall appoint counsel upon the request
42.27 of the parent or parents or the child or the child's legal guardian. The parent or parents may
42.28 also receive assistance from any person or social services agency in preparation of the case
42.29 plan.
- 42.30 After the plan has been agreed upon by the parties involved or approved or ordered by
42.31 the court, the foster parents shall be fully informed of the provisions of the case plan and
42.32 shall be provided a copy of the plan.

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

EFFECTIVE DATE. This section is effective August 1, 2019.

Sec. 45. Minnesota Statutes 2018, section 260C.212, subdivision 2, is amended to read:

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

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

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

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

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

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

(2) the medical needs of the child;

(3) the educational needs of the child;

(4) the developmental needs of the child;

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

(6) the child's religious and cultural needs;

(7) the child's connection with a community, school, and faith community;

(8) the child's interests and talents;

(9) the child's relationship to current caretakers, parents, siblings, and relatives;

(10) the reasonable preference of the child, if the court, or the child-placing agency in the case of a voluntary placement, deems the child to be of sufficient age to express preferences; and

(11) for an Indian child, the best interests of an Indian child as defined in section 260.755, subdivision 2a.

(c) Placement of a child cannot be delayed or denied based on race, color, or national origin of the foster parent or the child.

(d) Siblings should be placed together for foster care and adoption at the earliest possible time unless it is documented that a joint placement would be contrary to the safety or well-being of any of the siblings or unless it is not possible after reasonable efforts by the responsible social services agency. In cases where siblings cannot be placed together, the agency is required to provide frequent visitation or other ongoing interaction between siblings unless the agency documents that the interaction would be contrary to the safety or well-being of any of the siblings.

(e) Except for emergency placement as provided for in section 245A.035, the following requirements must be satisfied before the approval of a foster or adoptive placement in a related or unrelated home: (1) a completed background study under section 245C.08; and (2) a completed review of the written home study required under section 260C.215, subdivision 4, clause (5), or 260C.611, to assess the capacity of the prospective foster or adoptive parent to ensure the placement will meet the needs of the individual child.

EFFECTIVE DATE. This section is effective August 1, 2019.

Sec. 46. Minnesota Statutes 2018, section 260C.212, is amended by adding a subdivision to read:

Subd. 15. Social and medical history. (a) The commissioner shall develop forms for the responsible social services agency to complete a child's social and medical history. The responsible social services agency shall work with the child's birth family, foster family, medical and treatment providers, and school to ensure each child has a detailed and up-to-date social and medical history on the forms provided by the commissioner.

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

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

EFFECTIVE DATE. This section is effective August 1, 2019.

Sec. 47. Minnesota Statutes 2018, section 260C.219, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) the first consideration for placement with relatives;

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

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

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

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

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

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

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

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

47.27 (5) the timelines and procedures for review of voluntary placements under section
47.28 260C.212, subdivision 3, and the effect the time spent in voluntary placement on the
47.29 scheduling of a permanent placement determination hearing under sections 260C.503 to
47.30 260C.521.

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

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

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

EFFECTIVE DATE. This section is effective August 1, 2019.

Sec. 48. Minnesota Statutes 2018, section 260C.451, subdivision 9, is amended to read:

Subd. 9. **Administrative or court review of placements.** (a) The court shall conduct reviews at least annually to ensure the responsible social services agency is making reasonable efforts to finalize the permanency plan for the child, including reasonable efforts to finalize an adoption, if applicable.

(b) The court shall find that the responsible social services agency is making reasonable efforts to finalize the permanency plan for the child when the responsible social services agency:

(1) provides appropriate support to the child and foster care provider to ensure continuing stability and success in placement;

(2) works with the child to plan for transition to adulthood and assists the child in demonstrating progress in achieving related goals;

(3) works with the child to plan for independent living skills and assists the child in demonstrating progress in achieving independent living goals; and

(4) prepares the child for independence according to sections 260C.203, paragraph (d), and 260C.452, subdivision 4.

(c) The responsible social services agency must ensure that an administrative review that meets the requirements of this section and section 260C.203 is completed at least six months after each of the court's annual reviews.

EFFECTIVE DATE. This section is effective August 1, 2019.

49.1 Sec. 49. Minnesota Statutes 2018, section 260C.503, subdivision 2, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EFFECTIVE DATE. This section is effective August 1, 2019.

Sec. 50. Minnesota Statutes 2018, section 260C.515, subdivision 3, is amended to read:

Subd. 3. **Guardianship; commissioner.** The court may order guardianship to the commissioner of human services under the following procedures and conditions:

(1) there is an identified prospective adoptive parent agreed to by the responsible social services agency having legal custody of the child pursuant to court order under this chapter and that prospective adoptive parent has agreed to adopt the child;

(2) the court accepts the parent's voluntary consent to adopt in writing on a form prescribed by the commissioner, executed before two competent witnesses and confirmed by the consenting parent before the court or executed before the court. The consent shall contain notice that consent given under this chapter:

(i) is irrevocable upon acceptance by the court unless fraud is established and an order is issued permitting revocation as stated in clause (9) unless the matter is governed by the Indian Child Welfare Act, United States Code, title 25, section 1913(c); and

(ii) will result in an order that the child is under the guardianship of the commissioner of human services;

(3) a consent executed and acknowledged outside of this state, either in accordance with the law of this state or in accordance with the law of the place where executed, is valid;

(4) the court must review the matter at least every 90 days under section 260C.317;

(5) a consent to adopt under this subdivision vests guardianship of the child with the commissioner of human services and makes the child a ward of the commissioner of human services under section 260C.325;

(6) the court must forward to the commissioner a copy of the consent to adopt, together with a certified copy of the order transferring guardianship to the commissioner;

(7) if an adoption is not finalized by the identified prospective adoptive parent within six months of the execution of the consent to adopt under this clause, the responsible social services agency shall pursue adoptive placement in another home unless the court finds in a hearing under section 260C.317 that the failure to finalize is not due to either an action or a failure to act by the prospective adoptive parent;

(8) notwithstanding clause (7), the responsible social services agency must pursue adoptive placement in another home as soon as the agency determines that finalization of the adoption with the identified prospective adoptive parent is not possible, that the identified prospective adoptive parent is not willing to adopt the child, or that the identified prospective adoptive parent is not cooperative in completing the steps necessary to finalize the adoption. The court may order a termination of parental rights under subdivision 2; and

(9) unless otherwise required by the Indian Child Welfare Act, United States Code, title 25, section 1913(c), a consent to adopt executed under this section shall be irrevocable upon acceptance by the court except upon order permitting revocation issued by the same court after written findings that consent was obtained by fraud.

EFFECTIVE DATE. This section is effective August 1, 2019.

Sec. 51. Minnesota Statutes 2018, section 260C.515, subdivision 4, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(10) the juvenile court may maintain jurisdiction over the responsible social services agency, the parents or guardian of the child, the child, and the permanent legal and physical custodian for purposes of ensuring appropriate services are delivered to the child and

53.1 permanent legal custodian for the purpose of ensuring conditions ordered by the court related
53.2 to the care and custody of the child are met; and

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

53.6 **EFFECTIVE DATE.** This section is effective August 1, 2019.

53.7 Sec. 52. Minnesota Statutes 2018, section 260C.605, subdivision 1, is amended to read:

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

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

53.17 (c) Reasonable efforts under paragraph (b) must begin as soon as possible when the
53.18 child is in foster care under this chapter, but not later than the hearing required under section
53.19 260C.204.

53.20 (d) Reasonable efforts to finalize the adoption of the child include but are not limited
53.21 to:

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

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

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

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

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

53.30 ~~(B) relatives of the child who are~~ (ii) is located in an updated search;

53.31 ~~(ii)~~ An updated search is required whenever:

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

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

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

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

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

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

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

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

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

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

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

54.23 ~~(4)~~ (6) updating and completing the social and medical history required under sections
54.24 ~~259.43~~ 260C.212, subdivision 15, and 260C.609;

54.25 ~~(5)~~ (7) making, and keeping updated, appropriate referrals required by section 260.851,
54.26 the Interstate Compact on the Placement of Children;

54.27 ~~(6)~~ (8) giving notice regarding the responsibilities of an adoptive parent to any prospective
54.28 adoptive parent as required under section ~~259.35~~ 260C.611, paragraph (b);

54.29 ~~(7)~~ (9) offering the adopting parent the opportunity to apply for or decline adoption
54.30 assistance under chapter ~~259A~~ 256N;

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

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

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

EFFECTIVE DATE. This section is effective August 1, 2019.

Sec. 53. Minnesota Statutes 2018, section 260C.607, subdivision 6, is amended to read:

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

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

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

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

(c) If the motion and supporting documents do not make a prima facie showing for the court to determine whether the agency has been unreasonable in failing to make the requested

adoptive placement, the court shall dismiss the motion. If the court determines a prima facie basis is made, the court shall set the matter for evidentiary hearing.

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

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

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

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

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

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

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

EFFECTIVE DATE. This section is effective August 1, 2019.

Sec. 54. Minnesota Statutes 2018, section 260C.609, is amended to read:

260C.609 SOCIAL AND MEDICAL HISTORY.

~~(a) The responsible social services agency shall work with the birth family of the child, foster family, medical and treatment providers, and the child's school to ensure there is a~~

57.1 ~~detailed, thorough, and currently up-to-date social and medical history of the child as required~~
57.2 ~~under section 259.43 on the forms required by the commissioner.~~

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

57.6 ~~(e)~~ (a) The agency shall thoroughly discuss the child's history with the adopting
57.7 prospective adoptive parent of the child and shall give a redacted copy of the report of the
57.8 child's social and medical history including redacted attachments as described in section
57.9 260C.212, subdivision 15, to the adopting prospective adoptive parent. If the prospective
57.10 adoptive parent does not pursue adoption of the child, the prospective adoptive parent must
57.11 return to the agency the child's social and medical history including redacted attachments.
57.12 A redacted copy of the child's social and medical history may also be given to the child, ~~as~~
57.13 ~~appropriate~~ according to section 260C.212, subdivision 1.

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

57.17 (c) The agency must: (1) submit the child's social and medical history to the Department
57.18 of Human Services at the time the adoption placement agreement is submitted; and (2) file
57.19 the child's social and medical history with the court when the adoption petition is filed.

57.20 **EFFECTIVE DATE.** This section is effective August 1, 2019.

57.21 Sec. 55. Minnesota Statutes 2018, section 260C.611, is amended to read:

57.22 **260C.611 ADOPTION STUDY REQUIRED.**

57.23 (a) An adoption study under section 259.41 approving placement of the child in the
57.24 home of the prospective adoptive parent shall be completed before placing any child under
57.25 the guardianship of the commissioner in a home for adoption. If a prospective adoptive
57.26 parent has a current child foster care license under chapter 245A and is seeking to adopt a
57.27 foster child who is placed in the prospective adoptive parent's home and is under the
57.28 guardianship of the commissioner according to section 260C.325, subdivision 1, the child
57.29 foster care home study meets the requirements of this section for an approved adoption
57.30 home study if:

57.31 (1) the written home study on which the foster care license was based is completed in
57.32 the commissioner's designated format, consistent with the requirements in sections 259.41,

58.1 subdivision 2; and 260C.215, subdivision 4, clause (5); and Minnesota Rules, part 2960.3060,
58.2 subpart 4;

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

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

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

58.11 (b) Before investigating the suitability of a prospective adoptive parent for a child under
58.12 guardianship of the commissioner, a child-placing agency shall give the prospective adoptive
58.13 parent the following written notice in all capital letters at least one-eighth inch high:
58.14 "Minnesota Statutes, section 260C.635, provides that upon legally adopting a child under
58.15 guardianship of the commissioner, an adoptive parent assumes all the rights and
58.16 responsibilities of a birth parent. The responsibilities include providing for the child's
58.17 financial support and caring for the child's health and emotional and behavioral problems.
58.18 Except for a subsidized adoption under Minnesota Statutes, chapter 256N, or any other
58.19 provision of law that expressly applies to an adoptive parent and child, an adoptive parent
58.20 is not eligible for state or federal financial subsidies aside from those that a birth parent
58.21 would be eligible to receive for a child. An adoptive parent may not terminate the adoptive
58.22 parent's parental rights to a legally adopted child for a reason that would not apply to a birth
58.23 parent seeking to terminate rights to a child."

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

58.29 **EFFECTIVE DATE.** This section is effective August 1, 2019.

58.30 Sec. 56. Minnesota Statutes 2018, section 260C.613, subdivision 6, is amended to read:

58.31 Subd. 6. **Death notification.** (a) The agency shall inform the adoptive parents that the
58.32 adoptive parents of an adopted child under age 19 or an adopted person age 19 or older may
58.33 maintain a current address on file with the agency and indicate a desire to be notified if the

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

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

EFFECTIVE DATE. This section is effective August 1, 2019.

Sec. 57. Minnesota Statutes 2018, section 260C.615, subdivision 1, is amended to read:

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

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

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

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

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

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

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

(4) maintain records as required in chapter 259.

60.1 **EFFECTIVE DATE.** This section is effective August 1, 2019.

60.2 Sec. 58. Minnesota Statutes 2018, section 260C.623, subdivision 3, is amended to read:

60.3 Subd. 3. **Requirements of petition.** (a) The petition shall be captioned in the legal name
60.4 of the child as that name is reflected on the child's birth record prior to adoption and shall
60.5 be entitled "Petition to Adopt Child under the Guardianship of the Commissioner of Human
60.6 Services." The actual name of the child shall be supplied to the court by the responsible
60.7 social services agency if unknown to the individual with whom the agency has made the
60.8 adoptive placement.

60.9 (b) The adoption petition shall be verified as required in section 260C.141, subdivision
60.10 4, and, if filed by the responsible social services agency, signed and approved by the county
60.11 attorney.

60.12 (c) The petition shall state:

60.13 (1) the full name, age, and place of residence of the adopting parent;

60.14 (2) if the adopting parents are married, the date and place of marriage;

60.15 (3) the date the child was physically placed in the home of the adopting parent ~~acquired~~
60.16 ~~physical custody of the child, if applicable;~~

60.17 (4) the date of the adoptive placement by the responsible social services agency;

60.18 (5) the date of the birth of the child, if known, and the county, state, and country where
60.19 born;

60.20 (6) the name to be given the child, if a change of name is desired;

60.21 (7) the description and value of any real or personal property owned by the child;

60.22 (8) the relationship of the adopting parent to the child prior to adoptive placement, if
60.23 any;

60.24 (9) whether the Indian Child Welfare Act does or does not apply; and

60.25 (10) the name and address of:

60.26 (i) the child's guardian ad litem;

60.27 (ii) the adoptee, if age ten or older;

60.28 (iii) the child's Indian tribe, if the child is an Indian child; and

60.29 (iv) the responsible social services agency.

61.1 (d) A petition may ask for the adoption of two or more children.

61.2 (e) If a petition is for adoption by a married person, both spouses must sign the petition
61.3 indicating willingness to adopt the child and the petition must ask for adoption by both
61.4 spouses unless the court approves adoption by only one spouse when spouses do not reside
61.5 together or for other good cause shown.

61.6 (f) If the petition is for adoption by a person residing outside the state, the adoptive
61.7 placement must have been approved by the state where the person is a resident through the
61.8 Interstate Compact on the Placement of Children, sections 260.851 to 260.92.

61.9 **EFFECTIVE DATE.** This section is effective August 1, 2019.

61.10 Sec. 59. Minnesota Statutes 2018, section 260C.623, subdivision 4, is amended to read:

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

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

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

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

61.18 **EFFECTIVE DATE.** This section is effective August 1, 2019.

61.19 Sec. 60. Minnesota Statutes 2018, section 260C.625, is amended to read:

61.20 **260C.625 DOCUMENTS FILED BY SOCIAL SERVICES AGENCY.**

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

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

61.24 (2) ~~a certified~~ an electronic copy of the certified findings and order terminating parental
61.25 rights or order accepting the parent's consent to adoption under section 260C.515, subdivision
61.26 3, and for guardianship to the commissioner;

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

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

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

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

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

62.7 **EFFECTIVE DATE.** This section is effective August 1, 2019.

62.8 Sec. 61. Minnesota Statutes 2018, section 260C.629, subdivision 2, is amended to read:

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

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

62.12 (2) an adoption study report including a background study required under section ~~259.41~~
62.13 260C.611;

62.14 (3) ~~a~~ an electronic copy of the certified copy of the findings and order terminating parental
62.15 rights or order accepting the parent's consent to adoption under section 260C.515, subdivision
62.16 3, and for guardianship to the commissioner;

62.17 (4) any consents required under subdivision 1;

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

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

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

62.22 **EFFECTIVE DATE.** This section is effective August 1, 2019.

62.23 Sec. 62. Minnesota Statutes 2018, section 518A.53, subdivision 11, is amended to read:

62.24 Subd. 11. **Lump-sum payments.** Before transmittal to the obligor of a lump-sum payment
62.25 of \$500 or more including, but not limited to, severance pay, accumulated sick pay, vacation
62.26 pay, bonuses, commissions, or other pay or benefits, a payor of funds:

62.27 (1) who has been served with an order for or notice of income withholding under this
62.28 section shall:

62.29 (i) notify the public authority of the lump-sum payment that is to be paid to the obligor;

63.1 (ii) hold the lump-sum payment for 30 days after the date on which the lump-sum payment
63.2 would otherwise have been paid to the obligor, notwithstanding sections 176.221, 176.225,
63.3 176.521, 181.08, 181.101, 181.11, 181.13, and 181.145; and

63.4 (iii) upon order of the court, and after a showing of past willful nonpayment of support,
63.5 pay any specified amount of the lump-sum payment to the public authority for future support;
63.6 or

63.7 (2) shall pay the lessor of the amount of the lump-sum payment or the total amount of
63.8 the judgment and arrearages upon service by United States mail of a sworn affidavit from
63.9 the public authority or a court order that includes the following information:

63.10 (i) that a judgment entered pursuant to section 548.091, subdivision 1a, exists against
63.11 the obligor, or that other support arrearages exist;

63.12 (ii) the current balance of the judgment or arrearage; and

63.13 (iii) that a portion of the judgment or arrearage remains unpaid.

63.14 ~~The Consumer Credit Protection Act, title 15 of the United States Code, section 1673(b),~~
63.15 ~~does not apply to lump-sum payments.~~

63.16 Sec. 63. Minnesota Statutes 2018, section 518A.685, is amended to read:

63.17 **518A.685 CONSUMER REPORTING AGENCY; REPORTING ARREARS.**

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

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

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

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

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

63.29 (1) pay the arrears in full; or

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

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

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

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

Sec. 64. **[518A.80] MOTION TO TRANSFER TO TRIBAL COURT.**

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

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

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

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

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

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

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

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

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

- 65.1 (1) the address of each case participant;
- 65.2 (2) the tribal affiliation of each case participant, if any;
- 65.3 (3) the name, tribal affiliation, if any, and date of birth of each living minor or dependent
- 65.4 child of a case participant who is subject to the action; and
- 65.5 (4) the legal and factual basis for the court to make a finding that there is concurrent
- 65.6 jurisdiction in the case.
- 65.7 (b) A party or tribal IV-D agency bringing a motion to transfer to tribal court must file
- 65.8 with the court and serve the required documents on each party and the tribal IV-D agency,
- 65.9 regardless of whether the tribal IV-D agency is a party.
- 65.10 (c) A party's or tribal IV-D agency's motion to transfer must be accompanied by an
- 65.11 affidavit setting forth facts in support of its motion.
- 65.12 (d) When a motion to transfer is not brought by the tribal IV-D agency, an affidavit of
- 65.13 the tribal IV-D agency stating whether the tribal IV-D agency provides services to a party
- 65.14 must be filed and served on each party within 15 days from the date of service of the motion.
- 65.15 **Subd. 4. Order to transfer to tribal court.** (a) Unless a hearing is held under subdivision
- 65.16 6, upon motion of a party or a tribal IV-D agency, a district court must transfer a
- 65.17 postjudgment child support, custody, or parenting time action to a tribal court when the
- 65.18 district court finds:
- 65.19 (1) the district court and tribal court have concurrent jurisdiction;
- 65.20 (2) a case participant is receiving services from the tribal IV-D agency; and
- 65.21 (3) no party or tribal IV-D agency files and serves a timely objection to the transfer.
- 65.22 (b) When the requirements of this subdivision are satisfied, the district court is not
- 65.23 required to hold a hearing. The district court's order transferring the action to tribal court
- 65.24 must contain written findings on each requirement of this subdivision.
- 65.25 **Subd. 5. Objection to motion to transfer.** (a) To object to a motion to transfer to a
- 65.26 tribal court, a party or tribal IV-D agency must file with the court and serve on each party
- 65.27 and the tribal IV-D agency a responsive motion objecting to the motion to transfer within
- 65.28 30 days from the date of service of the motion to transfer.
- 65.29 (b) If a party or tribal IV-D agency files with the court and properly serves a timely
- 65.30 objection to the motion to transfer to a tribal court, the district court must conduct a hearing.

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

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

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

66.6 (3) whether the tribe is a party;

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

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

66.9 (6) where the claim arises;

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

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

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

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

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

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

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

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

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

66.28 Sec. 65. Minnesota Statutes 2018, section 626.556, subdivision 2, is amended to read:

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

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

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

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

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

67.8 (c) "Facility" means:

67.9 (1) a licensed or unlicensed day care facility or provider, certified license-exempt child
67.10 care center, residential facility, agency, hospital, sanitarium, or other facility or institution
67.11 required to be licensed under sections 144.50 to 144.58, 241.021, or 245A.01 to 245A.16,
67.12 or chapter 144H, ~~245D~~, or 245H;

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

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

67.17 (d) "Family assessment" means a comprehensive assessment of child safety, risk of
67.18 subsequent child maltreatment, and family strengths and needs that is applied to a child
67.19 maltreatment report that does not allege sexual abuse or substantial child endangerment.
67.20 Family assessment does not include a determination as to whether child maltreatment
67.21 occurred but does determine the need for services to address the safety of family members
67.22 and the risk of subsequent maltreatment.

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

67.31 (f) "Mental injury" means an injury to the psychological capacity or emotional stability
67.32 of a child as evidenced by an observable or substantial impairment in the child's ability to

68.1 function within a normal range of performance and behavior with due regard to the child's
68.2 culture.

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

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

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

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

68.16 (4) failure to ensure that the child is educated as defined in sections 120A.22 and
68.17 260C.163, subdivision 11, which does not include a parent's refusal to provide the parent's
68.18 child with sympathomimetic medications, consistent with section 125A.091, subdivision
68.19 5;

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

68.28 (6) prenatal exposure to alcohol or a controlled substance, as defined in section 253B.02,
68.29 subdivision 2, used by the mother for a nonmedical purpose, as evidenced by withdrawal
68.30 symptoms in the child at birth, results of a toxicology test performed on the mother at
68.31 delivery or the child at birth, medical effects or developmental delays during the child's first
68.32 year of life that medically indicate prenatal exposure to a controlled substance, or the
68.33 presence of a fetal alcohol spectrum disorder;

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

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

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

69.9 (10) abandonment of the child in which a parent does not have regular contact with the
69.10 child and has failed to demonstrate consistent interest in the child's well-being, unless the
69.11 parent establishes an extreme financial hardship, physical hardship, treatment for mental
69.12 disability or chemical dependency, or other good cause that prevented the parent from
69.13 making contact with the child. A child custody determination under chapter 257 or 518 is
69.14 not abandonment of the child.

69.15 (h) "Nonmaltreatment mistake" means:

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

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

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

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

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

69.28 This definition only applies to child care centers licensed under Minnesota Rules, chapter
69.29 9503. If clauses (1) to (5) apply, rather than making a determination of substantiated
69.30 maltreatment by the individual, the commissioner of human services shall determine that a
69.31 nonmaltreatment mistake was made by the individual.

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

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

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

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

- (1) throwing, kicking, burning, biting, or cutting a child;
- (2) striking a child with a closed fist;
- (3) shaking a child under age three;
- (4) striking or other actions which result in any nonaccidental injury to a child under 18 months of age;
- (5) unreasonable interference with a child's breathing;
- (6) threatening a child with a weapon, as defined in section 609.02, subdivision 6;
- (7) striking a child under age one on the face or head;
- (8) striking a child who is at least age one but under age four on the face or head, which results in an injury;
- (9) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled substances which were not prescribed for the child by a practitioner, in order to control or punish the child; or other substances that substantially affect the child's behavior, motor coordination, or judgment or that results in sickness or internal injury, or subjects the child

71.1 to medical procedures that would be unnecessary if the child were not exposed to the
71.2 substances;

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

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

71.7 (l) "Position of authority" has the meaning given in section 609.341, subdivision 10.

71.8 ~~(h)~~ (m) "Practice of social services," for the purposes of subdivision 3, includes but is
71.9 not limited to employee assistance counseling and the provision of guardian ad litem and
71.10 parenting time expeditor services.

71.11 ~~(m)~~ (n) "Report" means any communication received by the local welfare agency, police
71.12 department, county sheriff, or agency responsible for child protection pursuant to this section
71.13 that describes neglect or physical or sexual abuse of a child and contains sufficient content
71.14 to identify the child and any person believed to be responsible for the neglect or abuse, if
71.15 known.

71.16 (o) "Safety plan" means any written or oral plan made with the child's parent or legal
71.17 custodian or ordered by the court that sets out the conditions necessary to keep the child
71.18 safe.

71.19 ~~(n)~~ (p) "Sexual abuse" means:

71.20 (1) the subjection of a child by a person responsible for the child's care, by a person who
71.21 has a significant relationship to the child, as defined in section 609.341, or by a person in
71.22 a position of authority, as defined in section 609.341, subdivision 10, to any act which
71.23 constitutes a violation of section 609.342 (criminal sexual conduct in the first degree),
71.24 609.343 (criminal sexual conduct in the second degree), 609.344 (criminal sexual conduct
71.25 in the third degree), 609.345 (criminal sexual conduct in the fourth degree), or 609.3451
71.26 (criminal sexual conduct in the fifth degree). Sexual abuse also includes any act which
71.27 involves a minor which constitutes a violation of prostitution offenses under sections 609.321
71.28 to 609.324 or 617.246. Effective May 29, 2017, sexual abuse includes all reports of known
71.29 or suspected child sex trafficking involving a child who is identified as a victim of sex
71.30 trafficking. Sexual abuse includes child sex trafficking as defined in section 609.321,
71.31 subdivisions 7a and 7b. Sexual abuse includes threatened sexual abuse which includes the
71.32 status of a parent or household member who has committed a violation which requires
71.33 registration as an offender under section 243.166, subdivision 1b, paragraph (a) or (b), or

72.1 ~~required registration under section 243.166, subdivision 1b, paragraph (a) or (b).~~ any of the
72.2 following: (i) criminal sexual conduct in the first degree as defined in section 609.342; (ii)
72.3 criminal sexual conduct in the second degree as defined in section 609.343; (iii) criminal
72.4 sexual conduct in the third degree as defined in section 609.344; (iv) criminal sexual conduct
72.5 in the fourth degree as defined in section 609.345; (v) criminal sexual conduct in the fifth
72.6 degree as defined in section 609.3451; (vi) solicitation, promotion, or inducement of
72.7 prostitution in the first degree as defined in section 609.322; (vii) prostitution-related offenses
72.8 as defined in section 609.324; and (viii) use of a minor in sexual performance as defined in
72.9 section 617.246; or

72.10 (2) the known or suspected subjection of a child by any person to acts of sex trafficking
72.11 as defined in sections 609.321 and 609.322.

72.12 (q) "Significant relationship to the child" means a situation in which the alleged offender
72.13 is:

72.14 (1) the child's parent, stepparent, or guardian;

72.15 (2) any of the following persons related to the child by blood, marriage, or adoption:
72.16 brother, sister, first cousin, aunt, uncle, nephew, niece, grandparent, great-grandparent,
72.17 great-uncle, great-aunt; or

72.18 (3) any person who jointly resides intermittently or regularly in the same dwelling as
72.19 the child and who is not the child's spouse.

72.20 ~~(s)~~ (r) "Substantial child endangerment" means a person responsible for a child's care,
72.21 by act or omission, commits or attempts to commit an act against a child under their care
72.22 that constitutes any of the following:

72.23 (1) egregious harm as defined in section 260C.007, subdivision 14;

72.24 (2) abandonment under section 260C.301, subdivision 2, paragraph (a), clause (2);

72.25 (3) neglect as defined in paragraph (g), clause (2), that substantially endangers the child's
72.26 physical or mental health, including a growth delay, which may be referred to as failure to
72.27 thrive, that has been diagnosed by a physician and is due to parental neglect;

72.28 (4) murder in the first, second, or third degree under section 609.185, 609.19, or 609.195;

72.29 (5) manslaughter in the first or second degree under section 609.20 or 609.205;

72.30 (6) assault in the first, second, or third degree under section 609.221, 609.222, or 609.223;

72.31 (7) solicitation, inducement, and promotion of prostitution under section 609.322;

- 73.1 (8) criminal sexual conduct under sections 609.342 to 609.3451;
- 73.2 (9) solicitation of children to engage in sexual conduct under section 609.352;
- 73.3 (10) malicious punishment or neglect or endangerment of a child under section 609.377
- 73.4 or 609.378;
- 73.5 (11) use of a minor in sexual performance under section 617.246; or
- 73.6 (12) parental behavior, status, or condition which mandates that the county attorney file
- 73.7 a termination of parental rights petition under section 260C.503, subdivision 2.
- 73.8 ~~(p)~~ (s) "Threatened injury" means a statement, overt act, condition, or status that
- 73.9 represents a substantial risk of physical or sexual abuse or mental injury. Threatened injury
- 73.10 includes, but is not limited to, exposing a child to a person responsible for the child's care,
- 73.11 as defined in paragraph (j), clause (1), who has:
- 73.12 (1) subjected a child to, or failed to protect a child from, an overt act or condition that
- 73.13 constitutes egregious harm, as defined in section 260C.007, subdivision 14, or a similar law
- 73.14 of another jurisdiction;
- 73.15 (2) been found to be palpably unfit under section 260C.301, subdivision 1, paragraph
- 73.16 (b), clause (4), or a similar law of another jurisdiction;
- 73.17 (3) committed an act that has resulted in an involuntary termination of parental rights
- 73.18 under section 260C.301, or a similar law of another jurisdiction; ~~or~~
- 73.19 (4) committed an act that has resulted in the involuntary transfer of permanent legal and
- 73.20 physical custody of a child to a relative under Minnesota Statutes 2010, section 260C.201,
- 73.21 subdivision 11, paragraph (d), clause (1), section 260C.515, subdivision 4, or a similar law
- 73.22 of another jurisdiction;
- 73.23 ~~A child is the subject of~~ (5) subjected a child to a status or condition requiring a report
- 73.24 ~~of threatened injury when the responsible social services agency receives birth match data~~
- 73.25 ~~under paragraph (q) (t) from the Department of Human Services; or~~
- 73.26 (6) committed a violation that required registration as an offender under section 243.166,
- 73.27 subdivision 1b, paragraph (a) or (b), or required registration under section 243.166,
- 73.28 subdivision 1b, paragraph (a) or (b), and is a parent or a household member.
- 73.29 ~~(q)~~ (t) Upon receiving data under section 144.225, subdivision 2b, contained in a birth
- 73.30 record or recognition of parentage identifying a child who is subject to threatened injury
- 73.31 under paragraph ~~(p)~~ (s), the Department of Human Services shall send the data to the
- 73.32 responsible social services agency. The data is known as "birth match" data. Unless the

responsible social services agency has already begun an investigation or assessment of the report due to the birth of the child or execution of the recognition of parentage and the parent's previous history with child protection, the agency shall accept the birth match data as a report under this section. The agency ~~may~~ shall use ~~either a family assessment or an~~ investigation to determine whether the child is safe. All of the provisions of this section apply. If the child is determined to be safe, the agency shall consult with the county attorney to determine the appropriateness of filing a petition alleging the child is in need of protection or services under section 260C.007, subdivision 6, clause (16), in order to deliver needed services. If the child is determined not to be safe, the agency and the county attorney shall take appropriate action as required under section 260C.503, subdivision 2.

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

EFFECTIVE DATE. This section is effective August 1, 2019.

Sec. 66. Minnesota Statutes 2018, section 626.556, subdivision 3, is amended to read:

Subd. 3. **Persons mandated to report; persons voluntarily reporting.** (a) A person who knows or has reason to believe a child is being neglected or physically or sexually abused, as defined in subdivision 2, or has been neglected or physically or sexually abused within the preceding three years, shall immediately report the information to the local welfare agency, agency responsible for assessing or investigating the report, police department, county sheriff, tribal social services agency, or tribal police department if the person is:

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

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

(b) Any person may voluntarily report to the local welfare agency, agency responsible for assessing or investigating the report, police department, county sheriff, tribal social

services agency, or tribal police department if the person knows, has reason to believe, or suspects a child is being or has been neglected or subjected to physical or sexual abuse.

(c) A person mandated to report physical or sexual child abuse or neglect occurring within a licensed facility shall report the information to the agency responsible for licensing or certifying the facility under sections 144.50 to 144.58; 241.021; 245A.01 to 245A.16; or chapter 144H, ~~245D~~, or 245H; or a nonlicensed personal care provider organization as defined in section ~~256B.0625, subdivision 19a~~ 256B.0659. A health or corrections agency receiving a report may request the local welfare agency to provide assistance pursuant to subdivisions 10, 10a, and 10b. A board or other entity whose licensees perform work within a school facility, upon receiving a complaint of alleged maltreatment, shall provide information about the circumstances of the alleged maltreatment to the commissioner of education. Section 13.03, subdivision 4, applies to data received by the commissioner of education from a licensing entity.

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

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

EFFECTIVE DATE. This section is effective August 1, 2019.

Sec. 67. Minnesota Statutes 2018, section 626.556, subdivision 3c, is amended to read:

Subd. 3c. **Local welfare agency, Department of Human Services or Department of Health responsible for assessing or investigating reports of maltreatment.** (a) The local welfare agency is the agency responsible for assessing or investigating allegations of maltreatment by a parent, guardian, or person responsible for the child's care as defined in subdivision 2, paragraph (j). The local welfare agency is ~~the agency~~ also responsible for assessing or investigating allegations of maltreatment in child foster care, family child care, legally nonlicensed child care, and reports involving children served by an unlicensed personal care provider organization under section 256B.0659. Copies of findings related to personal care provider organizations under section 256B.0659 must be forwarded to the Department of Human Services provider enrollment.

(b) The local welfare agency is the agency responsible for investigating allegations of substantial child endangerment by a parent, guardian, or person responsible for the child's care as defined in subdivision 2, paragraph (j).

~~(b)~~ (c) The Department of Human Services is the agency responsible for assessing or investigating allegations of maltreatment in juvenile correctional facilities listed under section 241.021 located in the local welfare agency's county and in facilities licensed or certified under chapters 245A, ~~245D~~, and 245H, except for child foster care and family child care.

~~(e)~~ (d) The Department of Health is the agency responsible for assessing or investigating allegations of child maltreatment in facilities licensed under sections 144.50 to 144.58 and 144A.43 to 144A.482 or chapter 144H.

EFFECTIVE DATE. This section is effective August 1, 2019.

Sec. 68. Minnesota Statutes 2018, section 626.556, subdivision 3e, is amended to read:

Subd. 3e. **Agency responsible for assessing or investigating reports of sexual abuse.** The local welfare agency is the agency responsible for investigating allegations of sexual abuse if the alleged offender is the parent, guardian, sibling, or an individual functioning within the family unit as a person responsible for the child's care, or a person with a significant relationship to the child if that person resides in the child's household. ~~Effective May 29, 2017,~~ The local welfare agency is also responsible for investigating allegations involving any person when a child is identified as a known or suspected victim of sex trafficking.

EFFECTIVE DATE. This section is effective August 1, 2019.

Sec. 69. Minnesota Statutes 2018, section 626.556, subdivision 4, is amended to read:

Subd. 4. **Immunity from liability.** (a) The following persons are immune from any civil or criminal liability that otherwise might result from their actions, if they are acting in good faith:

(1) any person making a voluntary or mandated report under subdivision 3 or under section 626.5561 or assisting in an assessment under this section or under section 626.5561;

(2) any person with responsibility for performing duties under this section or supervisor employed by a local welfare agency, the commissioner of an agency responsible for operating or supervising a licensed or unlicensed day care facility, residential facility, agency, hospital, sanitarium, or other facility or institution required to be licensed or certified under sections 144.50 to 144.58; 241.021; 245A.01 to 245A.16; or chapter 245B or 245H; or a school as defined in section 120A.05, subdivisions 9, 11, and 13; and chapter 124E; or a nonlicensed

77.1 personal care provider organization as defined in section 256B.0625, subdivision 19a,
77.2 complying with subdivision 10d; and

77.3 (3) any public or private school, facility as defined in subdivision 2, or the employee of
77.4 any public or private school or facility who permits access by a local welfare agency, the
77.5 Department of Education, or a local law enforcement agency and assists in an investigation
77.6 or assessment pursuant to subdivision 10 or under section 626.5561.

77.7 (b) A person who is a supervisor or person with responsibility for performing duties
77.8 under this section employed by a local welfare agency, the commissioner of human services,
77.9 or the commissioner of education complying with subdivisions 10 and 11 or section 626.5561
77.10 or any related rule or provision of law is immune from any civil or criminal liability that
77.11 might otherwise result from the person's actions, if the person is (1) acting in good faith
77.12 and exercising due care, or (2) acting in good faith and following the information collection
77.13 procedures established under subdivision 10, paragraphs ~~(h), (i), and~~ (j), (k), (l), and (m).

77.14 (c) This subdivision does not provide immunity to any person for failure to make a
77.15 required report or for committing neglect, physical abuse, or sexual abuse of a child.

77.16 (d) If a person who makes a voluntary or mandatory report under subdivision 3 prevails
77.17 in a civil action from which the person has been granted immunity under this subdivision,
77.18 the court may award the person attorney fees and costs.

77.19 **EFFECTIVE DATE.** This section is effective August 1, 2019.

77.20 Sec. 70. Minnesota Statutes 2018, section 626.556, subdivision 7, is amended to read:

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

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

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

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

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

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

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

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

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

EFFECTIVE DATE. This section is effective August 1, 2019.

Sec. 71. Minnesota Statutes 2018, section 626.556, subdivision 10, is amended to read:

Subd. 10. **Duties of local welfare agency and local law enforcement agency upon receipt of report; mandatory notification between police or sheriff and agency.** (a) The police department or the county sheriff shall immediately notify the local welfare agency or agency responsible for child protection reports under this section orally ~~and~~ or in writing when a report is received. The local welfare agency or agency responsible for child protection reports shall immediately notify the local police department or the county sheriff orally ~~and~~ or in writing when a report is received. The county sheriff and the head of every local welfare agency, agency responsible for child protection reports, and police department shall each designate a person within their agency, department, or office who is responsible for ensuring that the notification duties of this paragraph are carried out. When the alleged maltreatment of an Indian child occurred on tribal land, the local welfare agency or agency responsible for child protection reports and the local police department or the county sheriff shall immediately notify the tribe's social services agency and tribal law enforcement orally ~~and~~ or in writing when a report is received. When the alleged maltreatment occurred in another state involving a child residing in Minnesota, the local welfare agency shall assume responsibility for child protection assessment or investigation.

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

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

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

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

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

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

~~If the report alleges neglect, physical abuse, or sexual abuse by a parent, guardian, or individual functioning within the family unit as a person responsible for the child's care, or sexual abuse by a person with a significant relationship to the child when that person resides in the child's household or by a sibling, the local welfare agency shall immediately conduct a family assessment or investigation as identified in clauses (1) to (4).~~ (c) In conducting a family assessment or investigation, the local welfare agency shall gather information on the existence of substance abuse and domestic violence and offer services for purposes of preventing future child maltreatment, safeguarding and enhancing the welfare of the abused or neglected minor, and supporting and preserving family life whenever possible. If the report alleges a violation of a criminal statute involving sexual abuse, physical abuse, or neglect or endangerment, under section 609.378, the local law enforcement agency and local welfare agency shall coordinate the planning and execution of their respective

81.1 investigation and assessment efforts to avoid a duplication of fact-finding efforts and multiple
81.2 interviews. Each agency shall prepare a separate report of the results of its investigation or
81.3 assessment. In cases of alleged child maltreatment resulting in death, the local agency may
81.4 rely on the fact-finding efforts of a law enforcement investigation to make a determination
81.5 of whether or not maltreatment occurred. When necessary the local welfare agency shall
81.6 seek authority to remove the child from the custody of a parent, guardian, or adult with
81.7 whom the child is living. In performing any of these duties, the local welfare agency shall
81.8 maintain appropriate records.

81.9 If the family assessment or investigation indicates there is a potential for abuse of alcohol
81.10 or other drugs by the parent, guardian, or person responsible for the child's care, the local
81.11 welfare agency shall conduct a chemical use assessment pursuant to Minnesota Rules, part
81.12 9530.6615.

81.13 ~~(e)~~ (d) When a local agency receives a report or otherwise has information indicating
81.14 that a child who is a client, as defined in section 245.91, has been the subject of physical
81.15 abuse, sexual abuse, or neglect at an agency, facility, or program as defined in section
81.16 245.91, it shall, in addition to its other duties under this section, immediately inform the
81.17 ombudsman established under sections 245.91 to 245.97. The commissioner of education
81.18 shall inform the ombudsman established under sections 245.91 to 245.97 of reports regarding
81.19 a child defined as a client in section 245.91 that maltreatment occurred at a school as defined
81.20 in section 120A.05, subdivisions 9, 11, and 13, and chapter 124E.

81.21 ~~(d)~~ (e) Authority of the local welfare agency responsible for assessing or investigating
81.22 the child abuse or neglect report, the agency responsible for assessing or investigating the
81.23 report, and of the local law enforcement agency for investigating the alleged abuse or neglect
81.24 includes, but is not limited to, authority to interview, without parental consent, the alleged
81.25 victim and any other minors who currently reside with or who have resided with the alleged
81.26 offender. The interview may take place at school or at any facility or other place where the
81.27 alleged victim or other minors might be found or the child may be transported to, and the
81.28 interview conducted at, a place appropriate for the interview of a child designated by the
81.29 local welfare agency or law enforcement agency. The interview may take place outside the
81.30 presence of the alleged offender or parent, legal custodian, guardian, or school official. For
81.31 family assessments, it is the preferred practice to request a parent or guardian's permission
81.32 to interview the child prior to conducting the child interview, unless doing so would
81.33 compromise the safety assessment. Except as provided in this paragraph, the parent, legal
81.34 custodian, or guardian shall be notified by the responsible local welfare or law enforcement
81.35 agency no later than the conclusion of the investigation or assessment that this interview

82.1 has occurred. Notwithstanding rule 32 of the Minnesota Rules of Procedure for Juvenile
82.2 Courts, the juvenile court may, after hearing on an ex parte motion by the local welfare
82.3 agency, order that, where reasonable cause exists, the agency withhold notification of this
82.4 interview from the parent, legal custodian, or guardian. If the interview took place or is to
82.5 take place on school property, the order shall specify that school officials may not disclose
82.6 to the parent, legal custodian, or guardian the contents of the notification of intent to interview
82.7 the child on school property, as provided under this paragraph, and any other related
82.8 information regarding the interview that may be a part of the child's school record. A copy
82.9 of the order shall be sent by the local welfare or law enforcement agency to the appropriate
82.10 school official.

82.11 ~~(e)~~ (f) When the local welfare, local law enforcement agency, or the agency responsible
82.12 for assessing or investigating a report of maltreatment determines that an interview should
82.13 take place on school property, written notification of intent to interview the child on school
82.14 property must be received by school officials prior to the interview. The notification shall
82.15 include the name of the child to be interviewed, the purpose of the interview, and a reference
82.16 to the statutory authority to conduct an interview on school property. For interviews
82.17 conducted by the local welfare agency, the notification shall be signed by the chair of the
82.18 local social services agency or the chair's designee. The notification shall be private data
82.19 on individuals subject to the provisions of this paragraph. School officials may not disclose
82.20 to the parent, legal custodian, or guardian the contents of the notification or any other related
82.21 information regarding the interview until notified in writing by the local welfare or law
82.22 enforcement agency that the investigation or assessment has been concluded, unless a school
82.23 employee or agent is alleged to have maltreated the child. Until that time, the local welfare
82.24 or law enforcement agency or the agency responsible for assessing or investigating a report
82.25 of maltreatment shall be solely responsible for any disclosures regarding the nature of the
82.26 assessment or investigation.

82.27 (g) Except where the alleged offender is believed to be a school official or employee,
82.28 the time and place, and manner of the interview on school premises shall be within the
82.29 discretion of school officials, but the local welfare or law enforcement agency shall have
82.30 the exclusive authority to determine who may attend the interview. The conditions as to
82.31 time, place, and manner of the interview set by the school officials shall be reasonable and
82.32 the interview shall be conducted not more than 24 hours after the receipt of the notification
82.33 unless another time is considered necessary by agreement between the school officials and
82.34 the local welfare or law enforcement agency. Where the school fails to comply with the
82.35 provisions of this paragraph, the juvenile court may order the school to comply. Every effort

83.1 must be made to reduce the disruption of the educational program of the child, other students,
83.2 or school staff when an interview is conducted on school premises.

83.3 ~~(f)~~ (h) Where the alleged offender or a person responsible for the care of the alleged
83.4 victim or other minor prevents access to the victim or other minor by the local welfare
83.5 agency, the juvenile court may order the parents, legal custodian, or guardian to produce
83.6 the alleged victim or other minor for questioning by the local welfare agency or the local
83.7 law enforcement agency outside the presence of the alleged offender or any person
83.8 responsible for the child's care at reasonable places and times as specified by court order.

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

83.16 ~~(h)~~ (j) The commissioner of human services, the ombudsman for mental health and
83.17 developmental disabilities, the local welfare agencies responsible for investigating reports,
83.18 the commissioner of education, and the local law enforcement agencies have the right to
83.19 enter facilities as defined in subdivision 2 and to inspect and copy the facility's records,
83.20 including medical records, as part of the investigation. Notwithstanding the provisions of
83.21 chapter 13, they also have the right to inform the facility under investigation that they are
83.22 conducting an investigation, to disclose to the facility the names of the individuals under
83.23 investigation for abusing or neglecting a child, and to provide the facility with a copy of
83.24 the report and the investigative findings.

83.25 ~~(i)~~ (k) The local welfare agency responsible for conducting a family assessment or
83.26 investigation shall collect available and relevant information to determine child safety, risk
83.27 of subsequent child maltreatment, and family strengths and needs and share not public
83.28 information, including the name of the reporter of child maltreatment and any other
83.29 information collected under this subdivision, with an Indian's tribal social services agency
83.30 without violating any law of the state that may otherwise impose duties of confidentiality
83.31 on the local welfare agency in order to implement the tribal state agreement. The local
83.32 welfare agency or the agency responsible for investigating the report shall collect available
83.33 and relevant information to ascertain whether maltreatment occurred and whether protective
83.34 services are needed. Information collected includes, when relevant, information with regard
83.35 to the person reporting the alleged maltreatment, including the nature of the reporter's

84.1 relationship to the child and to the alleged offender, and the basis of the reporter's knowledge
84.2 for the report; the child allegedly being maltreated; the alleged offender; the child's caretaker;
84.3 and other collateral sources having relevant information related to the alleged maltreatment.
84.4 The local welfare agency or the agency responsible for investigating the report may make
84.5 a determination of no maltreatment early in an investigation, and close the case and retain
84.6 immunity, if the collected information shows no basis for a full investigation.

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

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

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

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

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

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

84.32 Notwithstanding sections 13.384 or 144.291 to 144.298, the local welfare agency has access
84.33 to medical data and records for purposes of clause (3). Notwithstanding the data's
84.34 classification in the possession of any other agency, data acquired by the local welfare

agency or the agency responsible for assessing or investigating the report during the course of the assessment or investigation are private data on individuals and must be maintained in accordance with subdivision 11. Data of the commissioner of education collected or maintained during and for the purpose of an investigation of alleged maltreatment in a school are governed by this section, notwithstanding the data's classification as educational, licensing, or personnel data under chapter 13.

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

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

~~(k)~~ (m) When conducting an investigation, the local welfare agency shall use a question and answer interviewing format with questioning as nondirective as possible to elicit spontaneous responses. For investigations only, the following interviewing methods and procedures must be used whenever possible when collecting information:

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

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

~~(h)~~ (n) In conducting an assessment or investigation involving a school facility as defined in subdivision 2, paragraph (c), the commissioner of education shall collect available and

relevant information and use the procedures in paragraphs ~~(j)~~ (l) and ~~(k)~~ (m), and subdivision 3d, except that the requirement for face-to-face observation of the child and face-to-face interview of the alleged offender is to occur in the initial stages of the assessment or investigation provided that the commissioner may also base the assessment or investigation on investigative reports and data received from the school facility and local law enforcement, to the extent those investigations satisfy the requirements of paragraphs ~~(j)~~ (l) and ~~(k)~~ (m), and subdivision 3d.

EFFECTIVE DATE. This section is effective August 1, 2019.

Sec. 72. Minnesota Statutes 2018, section 626.556, subdivision 10a, is amended to read:

Subd. 10a. **Law enforcement agency responsibility for investigation; welfare agency reliance on law enforcement fact-finding; welfare agency offer of services.** (a) If the report alleges neglect, physical abuse, or sexual abuse by a person who is not a parent, guardian, sibling, person responsible for the child's care functioning within the family unit, or a person who lives in the child's household and who has a significant relationship to the child, in a setting other than a facility as defined in subdivision 2, the local welfare agency shall immediately notify the appropriate law enforcement agency, which shall conduct an investigation of the alleged abuse or neglect if a violation of a criminal statute is alleged. If the report alleges known or suspected child sex trafficking by any person, both the local child welfare agency and the appropriate law enforcement agency shall conduct an investigation.

(b) The local agency may rely on the fact-finding efforts of the law enforcement investigation conducted under this subdivision to make a determination whether or not threatened injury or other maltreatment has occurred under subdivision 2 if an alleged offender has minor children or lives with minors.

(c) If a child is the victim of an alleged crime under paragraph (a), the law enforcement agency shall immediately notify the local welfare agency, which shall offer appropriate social services for the purpose of safeguarding and enhancing the welfare of the abused or neglected minor.

EFFECTIVE DATE. This section is effective August 1, 2019.

Sec. 73. Minnesota Statutes 2018, section 626.556, subdivision 10b, is amended to read:

Subd. 10b. **Duties of commissioner; neglect or abuse in facility.** (a) This section applies to the commissioners of human services, health, and education. The commissioner of the

87.1 agency responsible for assessing or investigating the report shall immediately assess or
87.2 investigate if the report alleges that:

87.3 (1) a child who is in the care of a facility as defined in subdivision 2 is neglected,
87.4 physically abused, sexually abused, or is the victim of maltreatment in a facility by an
87.5 individual in that facility, or has been so neglected or abused, or been the victim of
87.6 maltreatment in a facility by an individual in that facility within the three years preceding
87.7 the report; or

87.8 (2) a child was neglected, physically abused, sexually abused, or is the victim of
87.9 maltreatment in a facility by an individual in a facility defined in subdivision 2, while in
87.10 the care of that facility within the three years preceding the report.

87.11 The commissioner of the agency responsible for assessing or investigating the report
87.12 shall arrange for the transmittal to the commissioner of reports received by local agencies
87.13 and may delegate to a local welfare agency the duty to investigate reports. In conducting
87.14 an investigation under this section, the commissioner has the powers and duties specified
87.15 for local welfare agencies under this section. The commissioner of the agency responsible
87.16 for assessing or investigating the report or local welfare agency may interview any children
87.17 who are or have been in the care of a facility under investigation and their parents, guardians,
87.18 or legal custodians.

87.19 (b) Prior to any interview, the commissioner of the agency responsible for assessing or
87.20 investigating the report or local welfare agency shall notify the parent, guardian, or legal
87.21 custodian of a child who will be interviewed in the manner provided for in subdivision 10d,
87.22 paragraph (a). If reasonable efforts to reach the parent, guardian, or legal custodian of a
87.23 child in an out-of-home placement have failed, the child may be interviewed if there is
87.24 reason to believe the interview is necessary to protect the child or other children in the
87.25 facility. The commissioner of the agency responsible for assessing or investigating the report
87.26 or local agency must provide the information required in this subdivision to the parent,
87.27 guardian, or legal custodian of a child interviewed without parental notification as soon as
87.28 possible after the interview. When the investigation is completed, any parent, guardian, or
87.29 legal custodian notified under this subdivision shall receive the written memorandum
87.30 provided for in subdivision 10d, paragraph (c).

87.31 (c) In conducting investigations under this subdivision the commissioner or local welfare
87.32 agency shall obtain access to information consistent with subdivision 10, paragraphs ~~(h)~~
87.33 (j), ~~(k)~~, and ~~(l)~~. In conducting assessments or investigations under this subdivision,
87.34 the commissioner of education shall obtain access to reports and investigative data that are

88.1 relevant to a report of maltreatment and are in the possession of a school facility as defined
88.2 in subdivision 2, paragraph (c), notwithstanding the classification of the data as educational
88.3 or personnel data under chapter 13. This includes, but is not limited to, school investigative
88.4 reports, information concerning the conduct of school personnel alleged to have committed
88.5 maltreatment of students, information about witnesses, and any protective or corrective
88.6 action taken by the school facility regarding the school personnel alleged to have committed
88.7 maltreatment.

88.8 (d) The commissioner may request assistance from the local social services agency.

88.9 **EFFECTIVE DATE.** This section is effective August 1, 2019.

88.10 Sec. 74. Minnesota Statutes 2018, section 626.556, subdivision 10d, is amended to read:

88.11 Subd. 10d. **Notification of neglect or abuse in facility.** (a) When a report is received
88.12 that alleges neglect, physical abuse, sexual abuse, or maltreatment of a child while in the
88.13 care of a licensed or unlicensed day care facility, residential facility, agency, hospital,
88.14 sanitarium, or other facility or institution required to be licensed or certified according to
88.15 sections 144.50 to 144.58; 241.021; or 245A.01 to 245A.16; or chapter 144H, ~~245D~~, or
88.16 245H, or a school as defined in section 120A.05, subdivisions 9, 11, and 13; and chapter
88.17 124E; or a nonlicensed personal care provider organization as defined in section 256B.0625,
88.18 subdivision 19a, the commissioner of the agency responsible for assessing or investigating
88.19 the report or local welfare agency investigating the report shall provide the following
88.20 information to the parent, guardian, or legal custodian of a child alleged to have been
88.21 neglected, physically abused, sexually abused, or the victim of maltreatment of a child in
88.22 the facility: the name of the facility; the fact that a report alleging neglect, physical abuse,
88.23 sexual abuse, or maltreatment of a child in the facility has been received; the nature of the
88.24 alleged neglect, physical abuse, sexual abuse, or maltreatment of a child in the facility; that
88.25 the agency is conducting an assessment or investigation; any protective or corrective measures
88.26 being taken pending the outcome of the investigation; and that a written memorandum will
88.27 be provided when the investigation is completed.

88.28 (b) The commissioner of the agency responsible for assessing or investigating the report
88.29 or local welfare agency may also provide the information in paragraph (a) to the parent,
88.30 guardian, or legal custodian of any other child in the facility if the investigative agency
88.31 knows or has reason to believe the alleged neglect, physical abuse, sexual abuse, or
88.32 maltreatment of a child in the facility has occurred. In determining whether to exercise this
88.33 authority, the commissioner of the agency responsible for assessing or investigating the
88.34 report or local welfare agency shall consider the seriousness of the alleged neglect, physical

89.1 abuse, sexual abuse, or maltreatment of a child in the facility; the number of children
89.2 allegedly neglected, physically abused, sexually abused, or victims of maltreatment of a
89.3 child in the facility; the number of alleged perpetrators; and the length of the investigation.
89.4 The facility shall be notified whenever this discretion is exercised.

89.5 (c) When the commissioner of the agency responsible for assessing or investigating the
89.6 report or local welfare agency has completed its investigation, every parent, guardian, or
89.7 legal custodian previously notified of the investigation by the commissioner or local welfare
89.8 agency shall be provided with the following information in a written memorandum: the
89.9 name of the facility investigated; the nature of the alleged neglect, physical abuse, sexual
89.10 abuse, or maltreatment of a child in the facility; the investigator's name; a summary of the
89.11 investigation findings; a statement whether maltreatment was found; and the protective or
89.12 corrective measures that are being or will be taken. The memorandum shall be written in a
89.13 manner that protects the identity of the reporter and the child and shall not contain the name,
89.14 or to the extent possible, reveal the identity of the alleged perpetrator or of those interviewed
89.15 during the investigation. If maltreatment is determined to exist, the commissioner or local
89.16 welfare agency shall also provide the written memorandum to the parent, guardian, or legal
89.17 custodian of each child in the facility who had contact with the individual responsible for
89.18 the maltreatment. When the facility is the responsible party for maltreatment, the
89.19 commissioner or local welfare agency shall also provide the written memorandum to the
89.20 parent, guardian, or legal custodian of each child who received services in the population
89.21 of the facility where the maltreatment occurred. This notification must be provided to the
89.22 parent, guardian, or legal custodian of each child receiving services from the time the
89.23 maltreatment occurred until either the individual responsible for maltreatment is no longer
89.24 in contact with a child or children in the facility or the conclusion of the investigation. In
89.25 the case of maltreatment within a school facility, as defined in section 120A.05, subdivisions
89.26 9, 11, and 13, and chapter 124E, the commissioner of education need not provide notification
89.27 to parents, guardians, or legal custodians of each child in the facility, but shall, within ten
89.28 days after the investigation is completed, provide written notification to the parent, guardian,
89.29 or legal custodian of any student alleged to have been maltreated. The commissioner of
89.30 education may notify the parent, guardian, or legal custodian of any student involved as a
89.31 witness to alleged maltreatment.

89.32 **EFFECTIVE DATE.** This section is effective August 1, 2019.

90.1 Sec. 75. Minnesota Statutes 2018, section 626.556, subdivision 10e, is amended to read:

90.2 Subd. 10e. **Determinations.** (a) The local welfare agency shall conclude the family
90.3 assessment or the investigation within 45 days of the receipt of a report. The conclusion of
90.4 the assessment or investigation may be extended to permit the completion of a criminal
90.5 investigation or the receipt of expert information requested within 45 days of the receipt of
90.6 the report.

90.7 (b) After conducting a family assessment, the local welfare agency shall determine
90.8 whether services are needed to address the safety of the child and other family members
90.9 and the risk of subsequent maltreatment.

90.10 (c) After conducting an investigation, the local welfare agency shall make two
90.11 determinations: first, whether maltreatment has occurred; and second, whether child
90.12 protective services are needed. No determination of maltreatment shall be made when the
90.13 alleged perpetrator is a child under the age of ten.

90.14 (d) If the commissioner of education conducts an assessment or investigation, the
90.15 commissioner shall determine whether maltreatment occurred and what corrective or
90.16 protective action was taken by the school facility. If a determination is made that
90.17 maltreatment has occurred, the commissioner shall report to the employer, the school board,
90.18 and any appropriate licensing entity the determination that maltreatment occurred and what
90.19 corrective or protective action was taken by the school facility. In all other cases, the
90.20 commissioner shall inform the school board or employer that a report was received, the
90.21 subject of the report, the date of the initial report, the category of maltreatment alleged as
90.22 defined in paragraph (f), the fact that maltreatment was not determined, and a summary of
90.23 the specific reasons for the determination.

90.24 (e) When maltreatment is determined in an investigation involving a facility, the
90.25 investigating agency shall also determine whether the facility or individual was responsible,
90.26 or whether both the facility and the individual were responsible for the maltreatment using
90.27 the mitigating factors in paragraph (i). Determinations under this subdivision must be made
90.28 based on a preponderance of the evidence and are private data on individuals or nonpublic
90.29 data as maintained by the commissioner of education.

90.30 (f) For the purposes of this subdivision, "maltreatment" means any of the following acts
90.31 or omissions:

90.32 (1) physical abuse as defined in subdivision 2, paragraph (k);

90.33 (2) neglect as defined in subdivision 2, paragraph (g);

91.1 (3) sexual abuse as defined in subdivision 2, paragraph ~~(n)~~ (p);

91.2 (4) mental injury as defined in subdivision 2, paragraph (f); or

91.3 (5) maltreatment of a child in a facility as defined in subdivision 2, paragraph (c).

91.4 (g) For the purposes of this subdivision, a determination that child protective services
91.5 are needed means that the local welfare agency has documented conditions during the
91.6 assessment or investigation sufficient to cause a child protection worker, as defined in
91.7 section 626.559, subdivision 1, to conclude that a child is at significant risk of maltreatment
91.8 if protective intervention is not provided and that the individuals responsible for the child's
91.9 care have not taken or are not likely to take actions to protect the child from maltreatment
91.10 or risk of maltreatment.

91.11 (h) This subdivision does not mean that maltreatment has occurred solely because the
91.12 child's parent, guardian, or other person responsible for the child's care in good faith selects
91.13 and depends upon spiritual means or prayer for treatment or care of disease or remedial care
91.14 of the child, in lieu of medical care. However, if lack of medical care may result in serious
91.15 danger to the child's health, the local welfare agency may ensure that necessary medical
91.16 services are provided to the child.

91.17 (i) When determining whether the facility or individual is the responsible party, or
91.18 whether both the facility and the individual are responsible for determined maltreatment in
91.19 a facility, the investigating agency shall consider at least the following mitigating factors:

91.20 (1) whether the actions of the facility or the individual caregivers were according to,
91.21 and followed the terms of, an erroneous physician order, prescription, individual care plan,
91.22 or directive; however, this is not a mitigating factor when the facility or caregiver was
91.23 responsible for the issuance of the erroneous order, prescription, individual care plan, or
91.24 directive or knew or should have known of the errors and took no reasonable measures to
91.25 correct the defect before administering care;

91.26 (2) comparative responsibility between the facility, other caregivers, and requirements
91.27 placed upon an employee, including the facility's compliance with related regulatory standards
91.28 and the adequacy of facility policies and procedures, facility training, an individual's
91.29 participation in the training, the caregiver's supervision, and facility staffing levels and the
91.30 scope of the individual employee's authority and discretion; and

91.31 (3) whether the facility or individual followed professional standards in exercising
91.32 professional judgment.

92.1 The evaluation of the facility's responsibility under clause (2) must not be based on the
92.2 completeness of the risk assessment or risk reduction plan required under section 245A.66,
92.3 but must be based on the facility's compliance with the regulatory standards for policies
92.4 and procedures, training, and supervision as cited in Minnesota Statutes and Minnesota
92.5 Rules.

92.6 (j) Notwithstanding paragraph (i), when maltreatment is determined to have been
92.7 committed by an individual who is also the facility license or certification holder, both the
92.8 individual and the facility must be determined responsible for the maltreatment, and both
92.9 the background study disqualification standards under section 245C.15, subdivision 4, and
92.10 the licensing or certification actions under section 245A.06, 245A.07, 245H.06, or 245H.07
92.11 apply.

92.12 **EFFECTIVE DATE.** This section is effective August 1, 2019.

92.13 Sec. 76. Minnesota Statutes 2018, section 626.556, subdivision 10f, is amended to read:

92.14 Subd. 10f. **Notice of determinations.** Within ten working days of the conclusion of a
92.15 family assessment, the local welfare agency shall notify the parent or guardian of the child
92.16 of the need for services to address child safety concerns or significant risk of subsequent
92.17 child maltreatment. The local welfare agency and the family may also jointly agree that
92.18 family support and family preservation services are needed. Within ten working days of the
92.19 conclusion of an investigation, the local welfare agency or agency responsible for
92.20 investigating the report shall notify the parent or guardian of the child, the person determined
92.21 to be maltreating the child, and, if applicable, the director of the facility, of the determination
92.22 and a summary of the specific reasons for the determination. When the investigation involves
92.23 a child foster care setting that is monitored by a private licensing agency under section
92.24 245A.16, the local welfare agency responsible for investigating the report shall notify the
92.25 private licensing agency of the determination and shall provide a summary of the specific
92.26 reasons for the determination. The notice to the private licensing agency must include
92.27 identifying private data, but not the identity of the reporter of maltreatment. The notice must
92.28 also include a certification that the information collection procedures under subdivision 10,
92.29 paragraphs ~~(h)~~ (j), ~~(i)~~ (k), and ~~(j)~~ (l), were followed and a notice of the right of a data subject
92.30 to obtain access to other private data on the subject collected, created, or maintained under
92.31 this section. In addition, the notice shall include the length of time that the records will be
92.32 kept under subdivision 11c. When the investigation involves a nonlicensed personal care
92.33 provider agency as defined in section 256B.0659, regardless of the relationship of the victim
92.34 to the nonlicensed personal care attendant, the local welfare agency responsible for

investigating the report shall notify the personal care provider agency of the determination and shall provide a summary of the specific reasons for the determination. The notice to the personal care provider agency must include identifying private data, but cannot identify the reporter of maltreatment. The notice must also include a certification that the procedures under subdivision 10, paragraphs (i), (j), and (k), were followed and a notice of the right of a data subject to obtain access to other private data on the subject collected, created, or maintained under this section. In addition, the notice shall include the length of time that the records will be kept according to subdivision 11c. The investigating agency shall notify the parent or guardian of the child who is the subject of the report, and any person or facility determined to have maltreated a child, of their appeal or review rights under this section. The notice must also state that a finding of maltreatment may result in denial of a license or certification application or background study disqualification under chapter 245C related to employment or services that are licensed or certified by the Department of Human Services under chapter 245A or 245H, the Department of Health under chapter 144 or 144A, the Department of Corrections under section 241.021, and from providing services related to an unlicensed personal care provider organization under chapter 256B.

EFFECTIVE DATE. This section is effective August 1, 2019.

Sec. 77. Minnesota Statutes 2018, section 626.556, subdivision 10m, is amended to read:

Subd. 10m. **Provision of child protective services; safety planning; consultation with county attorney.** (a) The local welfare agency shall create a written plan, in collaboration with the family whenever possible, within 30 days of the determination that child protective services are needed or upon joint agreement of the local welfare agency and the family that family support and preservation services are needed. The plan may be part of a child protective services plan, out-of-home placement plan, or reunification plan when the child leaves foster care. Child protective services for a family are voluntary ~~unless on the part of the family unless~~ ordered by the court; after a petition under section 260C.141 has been filed. Family support and preservation services for a family are voluntary on the part of the family unless the services are ordered by the court.

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

94.1 section 524.5-211 or the standby custodian provisions of chapter 257B as authority to support
94.2 removal of a child from the care of a parent or guardian.

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

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

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

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

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

94.14 **EFFECTIVE DATE.** This section is effective August 1, 2019.

94.15 Sec. 78. Minnesota Statutes 2018, section 626.556, subdivision 11, is amended to read:

94.16 Subd. 11. **Records.** (a) Except as provided in paragraph (b) and subdivisions 10b, 10d,
94.17 10g, and 11b, all records concerning individuals maintained by a local welfare agency or
94.18 agency responsible for assessing or investigating the report under this section, including
94.19 not public information shared with an Indian's tribal social service agency under subdivision
94.20 10 and any written reports filed under subdivision 7, shall be private data on individuals,
94.21 except insofar as copies of reports are required by subdivision 7 to be sent to the local police
94.22 department or the county sheriff. All records concerning determinations of maltreatment
94.23 by a facility are nonpublic data as maintained by the Department of Education, except insofar
94.24 as copies of reports are required by subdivision 7 to be sent to the local police department
94.25 or the county sheriff. Reports maintained by any police department or the county sheriff
94.26 shall be private data on individuals except the reports shall be made available to the
94.27 investigating, petitioning, or prosecuting authority, including county medical examiners or
94.28 county coroners. Section 13.82, subdivisions 8, 9, and 14, apply to law enforcement data
94.29 other than the reports. The local social services agency or agency responsible for assessing
94.30 or investigating the report shall make available to the investigating, petitioning, or prosecuting
94.31 authority, including county medical examiners or county coroners or their professional
94.32 delegates, any records which contain information relating to a specific incident of neglect
94.33 or abuse which is under investigation, petition, or prosecution and information relating to

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

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

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

EFFECTIVE DATE. This section is effective August 1, 2019.

96.1 Sec. 79. Minnesota Statutes 2018, section 626.556, subdivision 11c, is amended to read:

96.2 Subd. 11c. **Welfare, court services agency, and school records**

96.3 **maintained.** Notwithstanding sections 138.163 and 138.17, records maintained or records
96.4 derived from reports of abuse by local welfare agencies, agencies responsible for assessing
96.5 or investigating the report, court services agencies, or schools under this section shall be
96.6 destroyed as provided in paragraphs (a) to (d) by the responsible authority.

96.7 (a) For reports alleging child maltreatment that were not accepted for assessment or
96.8 investigation, family assessment cases, and cases where an investigation results in no
96.9 determination of maltreatment or the need for child protective services, the records must
96.10 be maintained for a period of five years after the date the report was not accepted for
96.11 assessment or investigation or of the final entry in the case record. Records of reports that
96.12 were not accepted must contain sufficient information to identify the subjects of the report,
96.13 the nature of the alleged maltreatment, and the reasons as to why the report was not accepted.
96.14 Records under this paragraph may not be used for employment, background checks, or
96.15 purposes other than to assist in future screening decisions and risk and safety assessments.

96.16 (b) All records relating to reports which, upon investigation, indicate either maltreatment
96.17 or a need for child protective services shall be maintained for ten years after the date of the
96.18 final entry in the case record.

96.19 (c) All records regarding a report of maltreatment, including any notification of intent
96.20 to interview which was received by a school under subdivision 10, paragraph ~~(d)~~ (e), shall
96.21 be destroyed by the school when ordered to do so by the agency conducting the assessment
96.22 or investigation. The agency shall order the destruction of the notification when other records
96.23 relating to the report under investigation or assessment are destroyed under this subdivision.

96.24 (d) Private or confidential data released to a court services agency under subdivision
96.25 10h must be destroyed by the court services agency when ordered to do so by the local
96.26 welfare agency that released the data. The local welfare agency or agency responsible for
96.27 assessing or investigating the report shall order destruction of the data when other records
96.28 relating to the assessment or investigation are destroyed under this subdivision.

96.29 **EFFECTIVE DATE.** This section is effective August 1, 2019.

96.30 Sec. 80. Minnesota Statutes 2018, section 626.5561, subdivision 1, is amended to read:

96.31 Subdivision 1. **Reports required.** (a) Except as provided in paragraph (b), a person
96.32 mandated to report under section 626.556, subdivision 3, shall immediately report to the
96.33 local welfare agency if the person knows or has reason to believe that a woman is pregnant

97.1 and has used a controlled substance for a nonmedical purpose during the pregnancy,
97.2 including, but not limited to, tetrahydrocannabinol, or has consumed alcoholic beverages
97.3 during the pregnancy in any way that is habitual or excessive.

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

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

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

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

97.22 **EFFECTIVE DATE.** This section is effective August 1, 2019.

97.23 Sec. 81. Minnesota Statutes 2018, section 626.558, subdivision 2, is amended to read:

97.24 Subd. 2. **Duties of team.** A multidisciplinary child protection team may provide public
97.25 and professional education, develop resources for prevention, intervention, and treatment,
97.26 and provide case consultation including but not limited to screening, to the local welfare
97.27 agency or other interested community-based agencies. The community-based agencies may
97.28 request case consultation from the multidisciplinary child protection team regarding a child
97.29 or family for whom the community-based agency is providing services. As used in this
97.30 section, "case consultation" means a case review process in which recommendations are
97.31 made concerning services to be provided to the identified children and family and which
97.32 may include screening. Case consultation may be performed by a committee or subcommittee
97.33 of members representing human services, including mental health and chemical dependency;

98.1 law enforcement, including probation and parole; the county attorney; a children's advocacy
98.2 center; health care; education; community-based agencies and other necessary agencies;
98.3 and persons directly involved in an individual case as designated by other members
98.4 performing case consultation.

98.5 **EFFECTIVE DATE.** This section is effective August 1, 2019.

98.6 Sec. 82. **REPEALER.**

98.7 Minnesota Statutes 2018, sections 119B.125, subdivision 8; and 256J.751, subdivision
98.8 1, are repealed.

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

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.