

Senate Language S3656-2	Children and Families	May 03, 2018	House Language H3138-3
442.19	<b>ARTICLE 28</b>	252.17	<b>ARTICLE 7</b>
442.20	<b>CHILDREN AND FAMILIES; LICENSING</b>	252.18	<b>CHILDREN AND FAMILIES</b>
442.21	Section 1. Minnesota Statutes 2016, section 119B.011, is amended by adding a subdivision	252.19	Section 1. Minnesota Statutes 2016, section 119B.011, is amended by adding a subdivision
442.22		252.20	
	Subd. 13b. <b>Homeless.</b> "Homeless" means a self-declared housing status as defined in the McKinney-Vento Homeless Assistance Act and United States Code, title 42, section 11302, paragraph (a).		Subd. 13b. <b>Homeless.</b> "Homeless" means a self-declared housing status as defined in the McKinney-Vento Homeless Assistance Act and United States Code, title 42, section 11302, paragraph (a).
442.24		252.21	
442.25		252.22	
442.26		252.23	
442.27	<b>EFFECTIVE DATE.</b> This section is effective August 12, 2019.		
442.28	Sec. 2. Minnesota Statutes 2016, section 119B.011, subdivision 19, is amended to read:		
442.29			
442.30			
443.1			
443.2	(3) an individual or child care center or facility holding that:		
443.3	(i) holds a valid child care license issued by another state or a tribe and providing;		
443.4	(ii) provides child care services in the licensing state or in the area under the licensing		
443.5	tribe's jurisdiction; and		
443.6	(iii) is in compliance with federal health and safety requirements as certified by the		
443.7	licensing state or tribe, or as determined by receipt of child care development block grant		
443.8	funds in the licensing state; or		
443.9	(4) a legal nonlicensed child care provider as defined under section 119B.011, subdivision		
443.10	16, providing legal child care services. A legally unlicensed family legal nonlicensed child		
443.11	care provider must be at least 18 years of age, and not a member of the MFIP assistance		
443.12	unit or a member of the family receiving child care assistance to be authorized under this		
443.13	chapter.		
443.14	<b>EFFECTIVE DATE.</b> This section is effective September 24, 2018.		
443.15			
443.16	Sec. 3. Minnesota Statutes 2017 Supplement, section 119B.011, subdivision 20, is amended	252.24	Sec. 2. Minnesota Statutes 2017 Supplement, section 119B.011, subdivision 20, is amended
443.17	to read:	252.25	

443.16 Subd. 20. **Transition year families.** "Transition year families" means families who have  
 443.17 received MFIP assistance, or who were eligible to receive MFIP assistance after choosing  
 443.18 to discontinue receipt of the cash portion of MFIP assistance under section 256J.31,  
 443.19 subdivision 12, or families who have received DWP assistance under section 256J.95 for  
 443.20 at least ~~three~~ one of the last six months before losing eligibility for MFIP or DWP.  
 443.21 Notwithstanding Minnesota Rules, parts 3400.0040, subpart 10, and 3400.0090, subpart 2,  
 443.22 transition year child care may be used to support employment, approved education or training  
 443.23 programs, or job search that meets the requirements of section 119B.10. Transition year  
 443.24 child care is not available to families who have been disqualified from MFIP or DWP due  
 443.25 to fraud.

443.26 **EFFECTIVE DATE.** This section is effective October 8, 2018.

443.27 Sec. 4. Minnesota Statutes 2016, section 119B.02, subdivision 7, is amended to read:

443.28 Subd. 7. **Child care market rate survey.** ~~Biennially,~~ The commissioner shall conduct  
 443.29 the next survey of prices charged by child care providers in Minnesota in state fiscal year  
 443.30 2021 and every three years thereafter to determine the 75th percentile for like-care  
 443.31 arrangements in county price clusters.

444.1 Sec. 5. Minnesota Statutes 2017 Supplement, section 119B.025, subdivision 1, is amended  
 444.2 to read:

444.3 Subdivision 1. **Applications.** (a) Except as provided in paragraph (c), clause (4), the  
 444.4 county shall verify the following at all initial child care applications using the universal  
 444.5 application:

444.6 (1) identity of adults;

444.7 (2) presence of the minor child in the home, if questionable;

444.8 (3) relationship of minor child to the parent, stepparent, legal guardian, eligible relative  
 444.9 caretaker, or the spouses of any of the foregoing;

444.10 (4) age;

444.11 (5) immigration status, if related to eligibility;

252.26 Subd. 20. **Transition year families.** "Transition year families" means families who have  
 252.27 received MFIP assistance, or who were eligible to receive MFIP assistance after choosing  
 252.28 to discontinue receipt of the cash portion of MFIP assistance under section 256J.31,  
 252.29 subdivision 12, or families who have received DWP assistance under section 256J.95 for  
 252.30 at least ~~three~~ one of the last six months before losing eligibility for MFIP or DWP.  
 252.31 Notwithstanding Minnesota Rules, parts 3400.0040, subpart 10, and 3400.0090, subpart 2,  
 253.1 transition year child care may be used to support employment, approved education or training  
 253.2 programs, or job search that meets the requirements of section 119B.10. Transition year  
 253.3 child care is not available to families who have been disqualified from MFIP or DWP due  
 253.4 to fraud.

253.5 Sec. 3. Minnesota Statutes 2016, section 119B.02, subdivision 7, is amended to read:

253.6 Subd. 7. **Child care market rate survey.** ~~Biennially,~~ The commissioner shall survey  
 253.7 prices charged by child care providers in Minnesota every three years to determine the 75th  
 253.8 percentile for like-care arrangements in county price clusters.

253.9 **EFFECTIVE DATE.** This section is effective retroactively from the market rate survey  
 253.10 conducted in calendar year 2016 and applies to any market rate survey conducted after the  
 253.11 2016 market rate survey.

253.12 Sec. 4. Minnesota Statutes 2017 Supplement, section 119B.025, subdivision 1, is amended  
 253.13 to read:

253.14 Subdivision 1. **Applications.** (a) Except as provided in paragraph (c), clause (4), the  
 253.15 county shall verify the following at all initial child care applications using the universal  
 253.16 application:

253.17 (1) identity of adults;

253.18 (2) presence of the minor child in the home, if questionable;

253.19 (3) relationship of minor child to the parent, stepparent, legal guardian, eligible relative  
 253.20 caretaker, or the spouses of any of the foregoing;

253.21 (4) age;

253.22 (5) immigration status, if related to eligibility;

444.12 (6) Social Security number, if given;

444.13 (7) counted income;

444.14 (8) spousal support and child support payments made to persons outside the household;

444.15 (9) residence; and

444.16 (10) inconsistent information, if related to eligibility.

444.17 (b) The county must mail a notice of approval or denial of assistance to the applicant

444.18 within 30 calendar days after receiving the application. The county may extend the response

444.19 time by 15 calendar days if the applicant is informed of the extension.

444.20 (c) For an applicant who declares that the applicant is homeless and who meets the

444.21 definition of homeless in section 119B.011, subdivision 13b, the county must:

444.22 (1) if information is needed to determine eligibility, send a request for information to

444.23 the applicant within five working days after receiving the application;

444.24 (2) if the applicant is eligible, send a notice of approval of assistance within five working

444.25 days after receiving the application;

444.26 (3) if the applicant is ineligible, send a notice of denial of assistance within 30 days after

444.27 receiving the application. The county may extend the response time by 15 calendar days if

444.28 the applicant is informed of the extension;

444.29 (4) not require verifications required by paragraph (a) before issuing the notice of approval

444.30 or denial; and

445.1 (5) follow limits set by the commissioner for how frequently expedited application

445.2 processing may be used for an applicant who declares that the applicant is homeless.

445.3 (d) An applicant who declares that the applicant is homeless must submit proof of

445.4 eligibility within three months of the date the application was received. If proof of eligibility

445.5 is not submitted within three months, eligibility ends. A 15-day adverse action notice is

445.6 required to end eligibility.

445.7 **EFFECTIVE DATE.** This section is effective August 12, 2019.

253.23 (6) Social Security number, if given;

253.24 (7) counted income;

253.25 (8) spousal support and child support payments made to persons outside the household;

253.26 (9) residence; and

253.27 (10) inconsistent information, if related to eligibility.

253.28 (b) The county must mail a notice of approval or denial of assistance to the applicant

253.29 within 30 calendar days after receiving the application. The county may extend the response

253.30 time by 15 calendar days if the applicant is informed of the extension.

254.1 (c) For an applicant who declares that the applicant is homeless and who meets the

254.2 definition of homeless in section 119B.011, subdivision 13b, the county must:

254.3 (1) if information is needed to determine eligibility, send a request for information to

254.4 the applicant within five working days after receiving the application;

254.5 (2) if the applicant is eligible, send a notice of approval of assistance within five working

254.6 days after receiving the application;

254.7 (3) if the applicant is ineligible, send a notice of denial of assistance within 30 days after

254.8 receiving the application. The county may extend the response time by 15 calendar days if

254.9 the applicant is informed of the extension;

254.10 (4) not require verifications required by paragraph (a) before issuing the notice of approval

254.11 or denial; and

254.12 (5) follow limits set by the commissioner for how frequently expedited application

254.13 processing may be used for an applicant who declares that the applicant is homeless.

254.14 (d) An applicant who declares that the applicant is homeless must submit proof of

254.15 eligibility within three months of the date the application was received. If proof of eligibility

254.16 is not submitted within three months, eligibility ends. A 15-day adverse action notice is

254.17 required to end eligibility.

445.8 Sec. 6. Minnesota Statutes 2016, section 119B.03, subdivision 9, is amended to read:

445.9 Subd. 9. **Portability pool.** (a) The commissioner shall establish a pool of up to five  
445.10 percent of the annual appropriation for the basic sliding fee program to provide continuous  
445.11 child care assistance for eligible families who move between Minnesota counties. At the  
445.12 end of each allocation period, any unspent funds in the portability pool must be used for  
445.13 assistance under the basic sliding fee program. If expenditures from the portability pool  
445.14 exceed the amount of money available, the reallocation pool must be reduced to cover these  
445.15 shortages.

445.16 (b) ~~To be eligible for portable basic sliding fee assistance,~~ A family that has moved from  
445.17 a county in which it was receiving basic sliding fee assistance to a county with a waiting  
445.18 list for the basic sliding fee program must:

445.19 (1) meet the income and eligibility guidelines for the basic sliding fee program; and

445.20 (2) ~~notify the new county of residence within 60 days of moving and submit information~~  
445.21 ~~to the new county of residence to verify eligibility for the basic sliding fee program the~~  
445.22 family's previous county of residence of the family's move to a new county of residence.

445.23 (c) The receiving county must:

445.24 (1) accept administrative responsibility for applicants for portable basic sliding fee  
445.25 assistance at the end of the two months of assistance under the Unitary Residency Act;

445.26 (2) continue portability pool basic sliding fee assistance ~~for the lesser of six months or~~  
445.27 until the family is able to receive assistance under the county's regular basic sliding program;  
445.28 and

445.29 (3) notify the commissioner through the quarterly reporting process of any family that  
445.30 meets the criteria of the portable basic sliding fee assistance pool.

445.31 **EFFECTIVE DATE.** This section is effective October 8, 2018.

446.1 Sec. 7. Minnesota Statutes 2017 Supplement, section 119B.06, subdivision 1, is amended  
446.2 to read:

446.3 Subdivision 1. **Commissioner to administer block grant.** The commissioner is  
446.4 authorized and directed to receive, administer, and expend child care funds available under  
446.5 the child care and development block grant authorized under the Child Care and Development  
446.6 Block Grant Act of 2014, Public Law 113-186. From the discretionary amounts provided  
446.7 for federal fiscal year 2018 and reserved for quality activities, the commissioner shall ensure

254.18 Sec. 5. Minnesota Statutes 2016, section 119B.03, subdivision 9, is amended to read:

254.19 Subd. 9. **Portability pool.** (a) The commissioner shall establish a pool of up to five  
254.20 percent of the annual appropriation for the basic sliding fee program to provide continuous  
254.21 child care assistance for eligible families who move between Minnesota counties. At the  
254.22 end of each allocation period, any unspent funds in the portability pool must be used for  
254.23 assistance under the basic sliding fee program. If expenditures from the portability pool  
254.24 exceed the amount of money available, the reallocation pool must be reduced to cover these  
254.25 shortages.

254.26 (b) ~~To be eligible for portable basic sliding fee assistance,~~ A family that has moved from  
254.27 a county in which it was receiving basic sliding fee assistance to a county with a waiting  
254.28 list for the basic sliding fee program must:

254.29 (1) meet the income and eligibility guidelines for the basic sliding fee program; and

254.30 (2) ~~notify the new county of residence within 60 days of moving and submit information~~  
254.31 ~~to the new county of residence to verify eligibility for the basic sliding fee program the~~  
254.32 family's previous county of residence of the family's move to a new county of residence.

255.1 (c) The receiving county must:

255.2 (1) accept administrative responsibility for applicants for portable basic sliding fee  
255.3 assistance at the end of the two months of assistance under the Unitary Residency Act;

255.4 (2) continue portability pool basic sliding fee assistance ~~for the lesser of six months or~~  
255.5 until the family is able to receive assistance under the county's regular basic sliding program;  
255.6 and

255.7 (3) notify the commissioner through the quarterly reporting process of any family that  
255.8 meets the criteria of the portable basic sliding fee assistance pool.

446.8 that funds are prioritized to increase the availability of training and business planning  
446.9 assistance for child care providers.

446.10 Sec. 8. Minnesota Statutes 2017 Supplement, section 119B.09, subdivision 1, is amended  
446.11 to read:

446.12 Subdivision 1. **General eligibility requirements.** (a) Child care services must be  
446.13 available to families who need child care to find or keep employment or to obtain the training  
446.14 or education necessary to find employment and who:

446.15 (1) have household income less than or equal to 67 percent of the state median income,  
446.16 adjusted for family size, at application and redetermination, and meet the requirements of  
446.17 section 119B.05; receive MFIP assistance; and are participating in employment and training  
446.18 services under chapter 256J; or

446.19 (2) have household income less than or equal to 47 percent of the state median income,  
446.20 adjusted for family size, at application and less than or equal to 67 percent of the state  
446.21 median income, adjusted for family size, at redetermination.

446.22 (b) Child care services must be made available as in-kind services.

446.23 (c) All applicants for child care assistance and families currently receiving child care  
446.24 assistance must be assisted and required to cooperate in establishment of paternity and  
446.25 enforcement of child support obligations for all children in the family at application and  
446.26 redetermination as a condition of program eligibility. For purposes of this section, a family  
446.27 is considered to meet the requirement for cooperation when the family complies with the  
446.28 requirements of section 256.741.

446.29 (d) All applicants for child care assistance and families currently receiving child care  
446.30 assistance must pay the co-payment fee under section 119B.12, subdivision 2, as a condition  
446.31 of eligibility. The co-payment fee may include additional recoupment fees due to a child  
446.32 care assistance program overpayment.

447.1 (e) If a family has one child with a child care authorization and the child turns 13 years  
447.2 of age or the child has a disability and turns 15 years of age, the family remains eligible  
447.3 until the redetermination.

447.4 Sec. 9. Minnesota Statutes 2017 Supplement, section 119B.095, subdivision 2, is amended  
447.5 to read:

447.6 Subd. 2. **Maintain steady child care authorizations.** (a) Notwithstanding Minnesota  
447.7 Rules, chapter 3400, the amount of child care authorized under section 119B.10 for

447.8 employment, education, or an MFIP or DWP employment plan shall continue at the same  
447.9 number of hours or more hours until redetermination, including:

447.10 (1) when the other parent moves in and is employed or has an education plan under  
447.11 section 119B.10, subdivision 3, or has an MFIP or DWP employment plan; or

447.12 (2) when the participant's work hours are reduced or a participant temporarily stops  
447.13 working or attending an approved education program. Temporary changes include, but are  
447.14 not limited to, a medical leave, seasonal employment fluctuations, or a school break between  
447.15 semesters.

447.16 (b) The county may increase the amount of child care authorized at any time if the  
447.17 participant verifies the need for increased hours for authorized activities.

447.18 (c) The county may reduce the amount of child care authorized if a parent requests a  
447.19 reduction or because of a change in:

447.20 (1) the child's school schedule;

447.21 (2) the custody schedule; or

447.22 (3) the provider's availability.

447.23 (d) The amount of child care authorized for a family subject to subdivision 1, paragraph  
447.24 (b), must change when the participant's activity schedule changes. Paragraph (a) does not  
447.25 apply to a family subject to subdivision 1, paragraph (b).

447.26 (e) When a child reaches 13 years of age or a child with a disability reaches 15 years of  
447.27 age, the amount of child care authorized shall continue at the same number of hours or more  
447.28 hours until redetermination.

255.9 Sec. 6. Minnesota Statutes 2017 Supplement, section 119B.095, is amended by adding a  
255.10 subdivision to read:

255.11 Subd. 3. **Assistance for persons who are experiencing homelessness.** An applicant  
255.12 who is homeless and eligible for child care assistance under this chapter is eligible for 60  
255.13 hours of child care assistance per service period for three months from the date the county  
255.14 receives the application. Additional hours may be authorized as needed based on the  
255.15 applicant's participation in employment, education, or MFIP or DWP employment plan. To  
255.16 continue receiving child care assistance after the initial three months, the parent must verify

448.1 Sec. 10. Minnesota Statutes 2017 Supplement, section 119B.13, subdivision 1, is amended  
448.2 to read:

448.3 Subdivision 1. **Subsidy restrictions.** (a) Beginning February 3, 2014, the maximum  
448.4 rate paid for child care assistance in any county or county price cluster under the child care  
448.5 fund shall be the greater of the 25th percentile calculated by the commissioner of the 2011  
448.6 most recent child care provider rate survey under section 119B.02, subdivision 7, or the  
448.7 maximum rate effective November 28, 2011, rates in effect at the time of the update;

448.8 (1) for the first update on February 22, 2019, the commissioner shall determine the  
448.9 percentile of the most recent child care provider rate survey, not to exceed the 25th percentile,  
448.10 that can be funded using Minnesota's increase in federal child care and development funds  
448.11 appropriated in the federal Consolidated Appropriations Act of 2018, Public Law 115-141,  
448.12 and any subsequent federal appropriation for federal fiscal year 2019, after complying with  
448.13 other requirements of the reauthorization of the Child Care Development Block Grant  
448.14 (CCDBG) Act of 2014, enacted in state law in 2018; and

448.15 (2) beginning in fiscal year 2022, the commissioner, in consultation with the  
448.16 commissioner of management and budget, shall determine the amount of federal funding  
448.17 for child care assistance programs to use in setting maximum rates for child care programs  
448.18 based on the most recent market survey, not to exceed the 25th percentile, so that the cost  
448.19 of compliance with child care development block grant requirements enacted in state law  
448.20 in 2018, including the rate adjustment, are paid only with federal CCDBG funds. If federal  
448.21 CCDBG funds are not sufficient to maintain the enacted compliance requirements and the  
448.22 maximum rates in effect at the time of the rate change, the commissioner must adjust  
448.23 maximum rates to remain within the limits of available funds.

448.24 (b) For a child care provider located within the boundaries of a city located in two or  
448.25 more of the counties of Benton, Sherburne, and Stearns, the maximum rate paid for child  
448.26 care assistance shall be equal to the maximum rate paid in the county with the highest  
448.27 maximum reimbursement rates or the provider's charge, whichever is less.

448.28 (c) The commissioner may: (1) assign a county with no reported provider prices to a  
448.29 similar price cluster; and (2) consider county level access when determining final price  
448.30 clusters.

448.31 ~~(b)~~ (d) A rate which includes a special needs rate paid under subdivision 3 may be in  
448.32 excess of the maximum rate allowed under this subdivision.

448.33 ~~(e)~~ (e) The department shall monitor the effect of this paragraph on provider rates. The  
448.34 county shall pay the provider's full charges for every child in care up to the maximum

255.17 that the parent meets eligibility and activity requirements for child care assistance under  
255.18 this chapter.

255.19 Sec. 7. Minnesota Statutes 2017 Supplement, section 119B.13, subdivision 1, is amended  
255.20 to read:

255.21 Subdivision 1. **Subsidy restrictions.** (a) Beginning February 3, 2014 July 1, 2019, the  
255.22 maximum rate paid for child care assistance in any county or county price cluster under the  
255.23 child care fund shall be the greater of the 25th percentile of the 2011 2016 child care provider  
255.24 rate survey under section 119B.02, subdivision 7, or the maximum rate effective November  
255.25 28, 2011, rates in effect at the time of the update. For a child care provider located within  
255.26 the boundaries of a city located in two or more of the counties of Benton, Sherburne, and  
255.27 Stearns, the maximum rate paid for child care assistance shall be equal to the maximum  
255.28 rate paid in the county with the highest maximum reimbursement rates or the provider's  
255.29 charge, whichever is less. The commissioner may: (1) assign a county with no reported  
255.30 provider prices to a similar price cluster; and (2) consider county level access when  
255.31 determining final price clusters.

256.1 (b) A rate which includes a special needs rate paid under subdivision 3 may be in excess  
256.2 of the maximum rate allowed under this subdivision.

256.3 (c) The department shall monitor the effect of this paragraph on provider rates. The  
256.4 county shall pay the provider's full charges for every child in care up to the maximum

449.1 established. The commissioner shall determine the maximum rate for each type of care on  
449.2 an hourly, full-day, and weekly basis, including special needs and disability care.

449.3 ~~(f)~~ (f) If a child uses one provider, the maximum payment for one day of care must not  
449.4 exceed the daily rate. The maximum payment for one week of care must not exceed the  
449.5 weekly rate.

449.6 ~~(g)~~ (g) If a child uses two providers under section 119B.097, the maximum payment  
449.7 must not exceed:

449.8 (1) the daily rate for one day of care;  
449.9 (2) the weekly rate for one week of care by the child's primary provider; and  
449.10 (3) two daily rates during two weeks of care by a child's secondary provider.

449.11 ~~(h)~~ (h) Child care providers receiving reimbursement under this chapter must not be paid  
449.12 activity fees or an additional amount above the maximum rates for care provided during  
449.13 nonstandard hours for families receiving assistance.

449.14 ~~(i)~~ (i) If the provider charge is greater than the maximum provider rate allowed, the  
449.15 parent is responsible for payment of the difference in the rates in addition to any family  
449.16 co-payment fee.

449.17 ~~(j)~~ (j) All maximum provider rates changes shall be implemented on the Monday  
449.18 following the effective date of the maximum provider rate.

449.19 ~~(k)~~ (k) Notwithstanding Minnesota Rules, part 3400.0130, subpart 7, maximum  
449.20 registration fees in effect on January 1, 2013, shall remain in effect.

449.21 **EFFECTIVE DATE.** This section is effective February 22, 2019.

256.5 established. The commissioner shall determine the maximum rate for each type of care on  
256.6 an hourly, full-day, and weekly basis, including special needs and disability care.

256.7 ~~(d)~~ (d) If a child uses one provider, the maximum payment for one day of care must not  
256.8 exceed the daily rate. The maximum payment for one week of care must not exceed the  
256.9 weekly rate.

256.10 ~~(e)~~ (e) If a child uses two providers under section 119B.097, the maximum payment must  
256.11 not exceed:

256.12 (1) the daily rate for one day of care;  
256.13 (2) the weekly rate for one week of care by the child's primary provider; and  
256.14 (3) two daily rates during two weeks of care by a child's secondary provider.

256.15 (f) Child care providers receiving reimbursement under this chapter must not be paid  
256.16 activity fees or an additional amount above the maximum rates for care provided during  
256.17 nonstandard hours for families receiving assistance.

256.18 (g) If the provider charge is greater than the maximum provider rate allowed, the parent  
256.19 is responsible for payment of the difference in the rates in addition to any family co-payment  
256.20 fee.

256.21 (h) All maximum provider rates changes shall be implemented on the Monday following  
256.22 the effective date of the maximum provider rate.

256.23 (i) Notwithstanding Minnesota Rules, part 3400.0130, subpart 7, maximum registration  
256.24 fees in effect on January 1, 2013, shall remain in effect.

256.25 (j) For calendar year 2019, notwithstanding section 119B.03, subdivisions 6, 6a, and  
256.26 6b, the commissioner must allocate the additional basic sliding fee child care funds for  
256.27 calendar year 2019 due to the updated provider rate survey under paragraph (a) to counties  
256.28 based on relative need to cover the maximum rate increases. In distributing the additional  
256.29 funds, the commissioner shall consider the following factors by county:

256.30 (1) expenditures;  
256.31 (2) provider type;  
257.1 (3) age of children; and  
257.2 (4) amount of the increase in maximum rates.



449.22 Sec. 11. Minnesota Statutes 2017 Supplement, section 245A.06, subdivision 8, is amended  
449.23 to read:

449.24 Subd. 8. **Requirement to post ~~correction order~~ conditional license.** (a) For licensed  
449.25 family child care providers and child care centers, upon receipt of any ~~correction order or~~  
449.26 order of conditional license issued by the commissioner under this section, and  
449.27 notwithstanding a pending request for reconsideration of the ~~correction order or~~ order of  
449.28 conditional license by the license holder, the license holder shall post the ~~correction order~~  
449.29 ~~or~~ order of conditional license in a place that is conspicuous to the people receiving services  
449.30 and all visitors to the facility for two years. When the ~~correction order or~~ order of conditional  
449.31 license is accompanied by a maltreatment investigation memorandum prepared under section  
450.1 626.556 or 626.557, the investigation memoranda must be posted with the ~~correction order~~  
450.2 ~~or~~ order of conditional license.

450.3 (b) If the commissioner reverses or rescinds a violation in a correction order upon  
450.4 reconsideration under subdivision 2, the commissioner shall issue an amended correction  
450.5 order and the license holder shall post the amended order according to paragraph (a):

450.6 (c) If the correction order is rescinded or reversed in full upon reconsideration under  
450.7 subdivision 2, the license holder shall remove the original correction order posted according  
450.8 to paragraph (a):

450.9 Sec. 12. Minnesota Statutes 2016, section 245A.175, is amended to read:

450.10 **245A.175 CHILD FOSTER CARE TRAINING REQUIREMENT; MENTAL**  
450.11 **HEALTH TRAINING; FETAL ALCOHOL SPECTRUM DISORDERS TRAINING.**

450.12 Prior to a nonemergency placement of a child in a foster care home, the child foster care  
450.13 license holder and caregivers in foster family and treatment foster care settings, and all staff  
450.14 providing care in foster residence settings must complete two hours of training that addresses  
450.15 the causes, symptoms, and key warning signs of mental health disorders; cultural  
450.16 considerations; and effective approaches for dealing with a child's behaviors. At least one  
450.17 hour of the annual training requirement for the foster family license holder and caregivers,  
450.18 and foster residence staff must be on children's mental health issues and treatment. Except  
450.19 for providers and services under chapter 245D, the annual training must also include at least  
450.20 one hour of training on fetal alcohol spectrum disorders within the first 12 months of  
450.21 licensure. After the first 12 months of licensure, training on fetal alcohol spectrum disorders  
450.22 may count, which must be counted toward the 12 hours of required in-service training per  
450.23 year. Short-term substitute caregivers are exempt from these requirements. Training  
450.24 curriculum shall be approved by the commissioner of human services.

257.3 Sec. 8. Minnesota Statutes 2017 Supplement, section 245A.06, subdivision 8, is amended  
257.4 to read:

257.5 Subd. 8. **Requirement to post ~~correction order~~ conditional license.** (a) For licensed  
257.6 family child care providers and child care centers, upon receipt of any ~~correction order or~~  
257.7 order of conditional license issued by the commissioner under this section, and  
257.8 notwithstanding a pending request for reconsideration of the ~~correction order or~~ order of  
257.9 conditional license by the license holder, the license holder shall post the ~~correction order~~  
257.10 ~~or~~ order of conditional license in a place that is conspicuous to the people receiving services  
257.11 and all visitors to the facility for two years. When the ~~correction order or~~ order of conditional  
257.12 license is accompanied by a maltreatment investigation memorandum prepared under section  
257.13 626.556 or 626.557, the investigation memoranda must be posted with the ~~correction order~~  
257.14 ~~or~~ order of conditional license.

257.15 (b) If the commissioner reverses or rescinds a violation in a correction order upon  
257.16 reconsideration under subdivision 2, the commissioner shall issue an amended correction  
257.17 order and the license holder shall post the amended order according to paragraph (a):

257.18 (c) If the correction order is rescinded or reversed in full upon reconsideration under  
257.19 subdivision 2, the license holder shall remove the original correction order posted according  
257.20 to paragraph (a):

257.21 Sec. 9. Minnesota Statutes 2017 Supplement, section 245A.41, subdivision 3, is amended  
257.22 to read:

257.23 Subd. 3. **Emergency preparedness.** (a) No later than September 30, 2017, a licensed  
257.24 child care center must have a written emergency plan for emergencies that require evacuation,  
257.25 sheltering, or other protection of a child, such as fire, natural disaster, intruder, or other  
257.26 threatening situation that may pose a health or safety hazard to a child. The plan must be  
257.27 written on a form developed by the commissioner and must include:

257.28 (1) procedures for an evacuation, relocation, shelter-in-place, or lockdown;

257.29 (2) a designated relocation site and evacuation route;

257.30 (3) procedures for notifying a child's parent or legal guardian of the evacuation, relocation,  
257.31 shelter-in-place, or lockdown, including procedures for reunification with families;

258.1 (4) accommodations for a child with a disability or a chronic medical condition;

258.2 (5) procedures for storing a child's medically necessary medicine that facilitates easy  
258.3 removal during an evacuation or relocation;

258.4 (6) procedures for continuing operations in the period during and after a crisis; and

258.5 (7) procedures for communicating with local emergency management officials, law  
258.6 enforcement officials, or other appropriate state or local authorities.

258.7 (b) The license holder must train staff persons on the emergency plan at orientation,  
258.8 when changes are made to the plan, and at least once each calendar year. Training must be  
258.9 documented in each staff person's personnel file.

258.10 (c) The license holder must conduct drills according to the requirements in Minnesota  
258.11 Rules, part 9503.0110, subpart 3. The date and time of the drills must be documented.

258.12 (d) The license holder must review and update the emergency plan annually.  
258.13 Documentation of the annual emergency plan review shall be maintained in the program's  
258.14 administrative records.

258.15 (e) The license holder must include the emergency plan in the program's policies and  
258.16 procedures as specified under section 245A.04, subdivision 14. The license holder must  
258.17 provide a physical or electronic copy of the emergency plan to the child's parent or legal  
258.18 guardian upon enrollment.

258.19 (f) The relocation site and evacuation route must be posted in a visible place as part of  
258.20 the written procedures for emergencies and accidents in Minnesota Rules, part 9503.0140,  
258.21 subpart 21.

258.22 (g) A licensed child care center must have an additional written emergency plan for an  
258.23 intruder emergency that requires evacuation, sheltering, or other protection of a child. The  
258.24 plan must include the information required under paragraph (a), and the license holder must  
258.25 comply with the requirements of paragraphs (b), (c), and (d). The license holder must provide  
258.26 a physical or electronic notification to the child's parent or legal guardian upon enrollment  
258.27 that a written intruder emergency preparedness plan is in place, but must not include the  
258.28 written plan in the program's policies and procedures or post the written plan, relocation  
258.29 site, or evacuation route in a visible place. The license holder may have the intruder  
258.30 emergency preparedness plan available for review by law enforcement and the licensing  
258.31 agency, but the licensing agency must not retain a copy or record of the plan.

259.1 Sec. 10. Minnesota Statutes 2017 Supplement, section 245A.50, subdivision 7, is amended  
259.2 to read:

259.3 Subd. 7. **Training requirements for family and group family child care.** (a) For  
259.4 purposes of family and group family child care, the license holder and each primary caregiver  
259.5 must complete 16 hours of ongoing training each year. For purposes of this subdivision, a  
259.6 primary caregiver is an adult caregiver who provides services in the licensed setting for  
259.7 more than 30 days in any 12-month period. Repeat of topical training requirements in  
259.8 subdivisions 2 to & 9 shall count toward the annual 16-hour training requirement. Additional  
259.9 ongoing training subjects to meet the annual 16-hour training requirement must be selected  
259.10 from the following areas:

259.11 (1) child development and learning training under subdivision 2, paragraph (a);

259.12 (2) developmentally appropriate learning experiences, including training in creating  
259.13 positive learning experiences, promoting cognitive development, promoting social and  
259.14 emotional development, promoting physical development, promoting creative development;  
259.15 and behavior guidance;

259.16 (3) relationships with families, including training in building a positive, respectful  
259.17 relationship with the child's family;

259.18 (4) assessment, evaluation, and individualization, including training in observing,  
259.19 recording, and assessing development; assessing and using information to plan; and assessing  
259.20 and using information to enhance and maintain program quality;

259.21 (5) historical and contemporary development of early childhood education, including  
259.22 training in past and current practices in early childhood education and how current events  
259.23 and issues affect children, families, and programs;

259.24 (6) professionalism, including training in knowledge, skills, and abilities that promote  
259.25 ongoing professional development; and

259.26 (7) health, safety, and nutrition, including training in establishing healthy practices;  
259.27 ensuring safety; and providing healthy nutrition.

259.28 (b) A family or group family child care license holder or primary caregiver who is an  
259.29 approved trainer through the Minnesota Center for Professional Development and who  
259.30 conducts an approved training course through the Minnesota Center for Professional  
259.31 Development in any of the topical training in subdivisions 2 to 9 shall receive training credit  
259.32 for the training topic in the applicable annual period. Each hour of approved training  
259.33 conducted shall count toward the annual 16-hour training requirement.

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

260.2 Sec. 11. Minnesota Statutes 2017 Supplement, section 245A.51, subdivision 3, is amended  
260.3 to read:

260.4 Subd. 3. **Emergency preparedness plan.** (a) No later than September 30, 2017, a  
260.5 licensed family child care provider must have a written emergency preparedness plan for  
260.6 emergencies that require evacuation, sheltering, or other protection of children, such as fire,  
260.7 natural disaster, intruder, or other threatening situation that may pose a health or safety  
260.8 hazard to children. The plan must be written on a form developed by the commissioner and  
260.9 updated at least annually. The plan must include:

260.10 (1) procedures for an evacuation, relocation, shelter-in-place, or lockdown;

260.11 (2) a designated relocation site and evacuation route;

260.12 (3) procedures for notifying a child's parent or legal guardian of the evacuation,  
260.13 shelter-in-place, or lockdown, including procedures for reunification with families;

260.14 (4) accommodations for a child with a disability or a chronic medical condition;

260.15 (5) procedures for storing a child's medically necessary medicine that facilitate easy  
260.16 removal during an evacuation or relocation;

260.17 (6) procedures for continuing operations in the period during and after a crisis; and

- 260.18 (7) procedures for communicating with local emergency management officials, law  
260.19 enforcement officials, or other appropriate state or local authorities.
- 260.20 (b) The license holder must train caregivers before the caregiver provides care and at  
260.21 least annually on the emergency preparedness plan and document completion of this training.
- 260.22 (c) The license holder must conduct drills according to the requirements in Minnesota  
260.23 Rules, part 9502.0435, subpart 8. The date and time of the drills must be documented.
- 260.24 (d) The license holder must have the emergency preparedness plan available for review  
260.25 and posted in a prominent location. The license holder must provide a physical or electronic  
260.26 copy of the plan to the child's parent or legal guardian upon enrollment.
- 260.27 (e) A licensed family child care provider must have an additional written emergency  
260.28 plan for an intruder emergency that requires evacuation, sheltering, or other protection of  
260.29 a child. The plan must include the information required under paragraph (a), and the license  
260.30 holder must comply with the requirements of paragraphs (b) and (c). The license holder  
260.31 must provide a physical or electronic notification to the child's parent or legal guardian upon  
261.1 enrollment that a written intruder emergency preparedness plan is in place, but must not  
261.2 post the written plan in a prominent location or have the written plan available for review  
261.3 by any person who is not an employee, caregiver, helper, substitute, or individual affiliated  
261.4 with law enforcement. The license holder may have the intruder emergency preparedness  
261.5 plan available for review by law enforcement and county licensing staff, but county licensing  
261.6 staff must not retain a copy or record of the plan.

450.25 Sec. 13. Minnesota Statutes 2016, section 245C.14, is amended to read:

450.26 **245C.14 DISQUALIFICATION.**

450.27 Subdivision 1. **Disqualification from direct contact.** (a) The commissioner shall  
450.28 disqualify an individual who is the subject of a background study from any position allowing  
450.29 direct contact with persons receiving services from the license holder or entity identified in  
450.30 section 245C.03, upon receipt of information showing, or when a background study  
450.31 completed under this chapter shows any of the following:

451.1 (1) a conviction of, admission to, or Alford plea to one or more crimes listed in section  
451.2 245C.15, regardless of whether the conviction or admission is a felony, gross misdemeanor,  
451.3 or misdemeanor level crime;

451.4 (2) a preponderance of the evidence indicates the individual has committed an act or  
451.5 acts that meet the definition of any of the crimes listed in section 245C.15, regardless of  
451.6 whether the preponderance of the evidence is for a felony, gross misdemeanor, or  
451.7 misdemeanor level crime; or

451.8 (3) an investigation results in an administrative determination listed under section  
451.9 245C.15, subdivision 4, paragraph (b).

451.10 (b) No individual who is disqualified following a background study under section  
451.11 245C.03, subdivisions 1 and 2, may be retained in a position involving direct contact with  
451.12 persons served by a program or entity identified in section 245C.03, unless the commissioner  
451.13 has provided written notice under section 245C.17 stating that:

451.14 (1) the individual may remain in direct contact during the period in which the individual  
451.15 may request reconsideration as provided in section 245C.21, subdivision 2;

451.16 (2) the commissioner has set aside the individual's disqualification for that program or  
451.17 entity identified in section 245C.03, as provided in section 245C.22, subdivision 4; or

451.18 (3) the license holder has been granted a variance for the disqualified individual under  
451.19 section 245C.30.

451.20 (c) The commissioner shall not disqualify an individual under this subdivision based on  
451.21 (1) a record of conviction that was expunged under chapter 609A and the order was directed  
451.22 specifically to the commissioner, or (2) any underlying fact or element from an expunged  
451.23 record of an arrest, criminal charge, or conviction and the order was directed specifically  
451.24 to the commissioner. Nothing in this paragraph prohibits the commissioner from disqualifying  
451.25 an individual based upon a separate administrative determination under section 245C.15,  
451.26 subdivision 4, paragraph (b), unless there is a court order directed specifically to the  
451.27 commissioner to expunge an administrative order.

451.28 Subd. 2. **Disqualification from access.** (a) If an individual who is studied under section  
451.29 245C.03, subdivision 1, paragraph (a), clauses (2), (5), and (6), is disqualified from direct  
451.30 contact under subdivision 1, the commissioner shall also disqualify the individual from  
451.31 access to a person receiving services from the license holder.

451.32 (b) No individual who is disqualified following a background study under section  
451.33 245C.03, subdivision 1, paragraph (a), clauses (2), (5), and (6), or as provided elsewhere  
452.1 in statute who is disqualified as a result of this section, may be allowed access to persons  
452.2 served by the program unless the commissioner has provided written notice under section  
452.3 245C.17 stating that:

452.4 (1) the individual may remain in direct contact during the period in which the individual  
452.5 may request reconsideration as provided in section 245C.21, subdivision 2;

452.6 (2) the commissioner has set aside the individual's disqualification for that licensed  
452.7 program or entity identified in section 245C.03 as provided in section 245C.22, subdivision  
452.8 4; or

452.9 (3) the license holder has been granted a variance for the disqualified individual under  
452.10 section 245C.30.

452.11 (c) The commissioner shall not disqualify an individual under this subdivision based on  
452.12 (1) a record of conviction that was expunged under chapter 609A and the order was directed  
452.13 specifically to the commissioner, or (2) any underlying fact or element from an expunged  
452.14 record of an arrest, criminal charge, or conviction and the order was directed specifically  
452.15 to the commissioner. Nothing in this paragraph prohibits the commissioner from disqualifying  
452.16 an individual based upon a separate administrative determination under section 245C.15.  
452.17 subdivision 4, paragraph (b), unless there is a court order directed specifically to the  
452.18 commissioner to expunge an administrative order.

452.19 Sec. 14. Minnesota Statutes 2016, section 245C.15, is amended by adding a subdivision  
452.20 to read:

452.21 Subd. 6. **Expunged criminal records.** The commissioner shall not disqualify an  
452.22 individual subject to a background study under this chapter based on (1) a record of  
452.23 conviction that was expunged under chapter 609A and the order was directed specifically  
452.24 to the commissioner, or (2) any underlying fact or element from an expunged record of an  
452.25 arrest, criminal charge, or conviction and the order was directed specifically to the  
452.26 commissioner. Nothing in this subdivision prohibits the commissioner from disqualifying  
452.27 an individual based upon a separate administrative determination under section 245C.15.  
452.28 subdivision 4, paragraph (b), unless there is a court order directed specifically to the  
452.29 commissioner to expunge an administrative order.

453.1 Sec. 15. Minnesota Statutes 2017 Supplement, section 245C.16, subdivision 1, is amended  
453.2 to read:

453.3 Subdivision 1. **Determining immediate risk of harm.** (a) If the commissioner determines  
453.4 that the individual studied has a disqualifying characteristic, the commissioner shall review  
453.5 the information immediately available and make a determination as to the subject's immediate  
453.6 risk of harm to persons served by the program where the individual studied will have direct  
453.7 contact with, or access to, people receiving services.

453.8 (b) The commissioner shall consider all relevant information available, including the  
453.9 following factors in determining the immediate risk of harm:

453.10 (1) the recency of the disqualifying characteristic;

- 453.11 (2) the recency of discharge from probation for the crimes;
- 453.12 (3) the number of disqualifying characteristics;
- 453.13 (4) the intrusiveness or violence of the disqualifying characteristic;
- 453.14 (5) the vulnerability of the victim involved in the disqualifying characteristic;
- 453.15 (6) the similarity of the victim to the persons served by the program where the individual
- 453.16 studied will have direct contact;
- 453.17 (7) whether the individual has a disqualification from a previous background study that
- 453.18 has not been set aside; and
- 453.19 (8) if the individual has a disqualification which may not be set aside because it is a
- 453.20 permanent bar under section 245C.24, subdivision 1, or the individual is a child care staff
- 453.21 person who has a felony-level conviction for a drug-related offense in the last five years,
- 453.22 the commissioner may order the immediate removal of the individual from any position
- 453.23 allowing direct contact with, or access to, persons receiving services from the program.
- 453.24 (c) This section does not apply when the subject of a background study is regulated by
- 453.25 a health-related licensing board as defined in chapter 214, and the subject is determined to
- 453.26 be responsible for substantiated maltreatment under section 626.556 or 626.557.
- 453.27 (d) This section does not apply to a background study related to an initial application
- 453.28 for a child foster care license.
- 453.29 (e) Except for paragraph ~~(f)~~ (g), this section does not apply to a background study that
- 453.30 is also subject to the requirements under section 256B.0659, subdivisions 11 and 13, for a
- 453.31 personal care assistant or a qualified professional as defined in section 256B.0659,
- 453.32 subdivision 1.
- 454.1 (f) This section does not apply if the subject of a background study has a conviction that
- 454.2 was expunged under chapter 609A and the order was directed specifically to the
- 454.3 commissioner, or any underlying fact or element from an expunged record of an arrest,
- 454.4 criminal charge, or conviction and the order was directed specifically to the commissioner.
- 454.5 Nothing in this paragraph prohibits the commissioner from disqualifying an individual based
- 454.6 upon a separate administrative determination under section 245C.15, subdivision 4, paragraph
- 454.7 (b), unless there is a court order directed specifically to the commissioner to expunge an
- 454.8 administrative order.



454.9 ~~(f)~~ (g) If the commissioner has reason to believe, based on arrest information or an active  
454.10 maltreatment investigation, that an individual poses an imminent risk of harm to persons  
454.11 receiving services, the commissioner may order that the person be continuously supervised  
454.12 or immediately removed pending the conclusion of the maltreatment investigation or criminal  
454.13 proceedings.

454.14 Sec. 16. Minnesota Statutes 2016, section 245C.22, is amended by adding a subdivision  
454.15 to read:

454.16 Subd. 8. **Expunged records.** This section does not apply if the subject of a background  
454.17 study has a conviction that was expunged under chapter 609A, and the order was directed  
454.18 specifically to the commissioner, or any underlying fact or element from an expunged record  
454.19 of an arrest, criminal charge, or conviction and the order was directed specifically to the  
454.20 commissioner. Nothing in this subdivision prohibits the commissioner from disqualifying  
454.21 an individual based upon a separate administrative determination under section 245C.15,  
454.22 subdivision 4, paragraph (b), unless there is a court order directed specifically to the  
454.23 commissioner to expunge an administrative order.

454.24 Sec. 17. Minnesota Statutes 2016, section 245C.24, is amended by adding a subdivision  
454.25 to read:

454.26 Subd. 5. **Expunged criminal records.** The commissioner shall not disqualify an  
454.27 individual subject to a background study under this chapter based on (1) a record of  
454.28 conviction that was expunged under chapter 609A and the order was directed specifically  
454.29 to the commissioner, or (2) any underlying fact or element from an expunged record of an  
454.30 arrest, criminal charge, or conviction and the order was directed specifically to the  
454.31 commissioner. Nothing in this subdivision prohibits the commissioner from disqualifying  
454.32 an individual based upon a separate administrative determination under section 245C.15,  
455.1 subdivision 4, paragraph (b), unless there is a court order directed specifically to the  
455.2 commissioner to expunge an administrative order.

455.3 Sec. 18. Minnesota Statutes 2016, section 254A.035, subdivision 2, is amended to read:

455.4 Subd. 2. **Membership terms, compensation, removal and expiration.** The membership  
455.5 of this council shall be composed of 17 persons who are American Indians and who are  
455.6 appointed by the commissioner. The commissioner shall appoint one representative from  
455.7 each of the following groups: Red Lake Band of Chippewa Indians; Fond du Lac Band,  
455.8 Minnesota Chippewa Tribe; Grand Portage Band, Minnesota Chippewa Tribe; Leech Lake  
455.9 Band, Minnesota Chippewa Tribe; Mille Lacs Band, Minnesota Chippewa Tribe; Bois Forte  
455.10 Band, Minnesota Chippewa Tribe; White Earth Band, Minnesota Chippewa Tribe; Lower  
455.11 Sioux Indian Reservation; Prairie Island Sioux Indian Reservation; Shakopee Mdewakanton  
455.12 Sioux Indian Reservation; Upper Sioux Indian Reservation; International Falls Northern  
455.13 Range; Duluth Urban Indian Community; and two representatives from the Minneapolis

455.14 Urban Indian Community and two from the St. Paul Urban Indian Community. The terms,  
455.15 compensation, and removal of American Indian Advisory Council members shall be as  
455.16 provided in section 15.059. The council expires June 30, ~~2018~~ 2023.

455.17 Sec. 19. Minnesota Statutes 2016, section 256.01, subdivision 14b, is amended to read:

455.18 Subd. 14b. **American Indian child welfare projects.** (a) The commissioner of human  
455.19 services may authorize projects to test tribal delivery of child welfare services to American  
455.20 Indian children and their parents and custodians living on the reservation. The commissioner  
455.21 has authority to solicit and determine which tribes may participate in a project. Grants may  
455.22 be issued to Minnesota Indian tribes to support the projects. The commissioner may waive  
455.23 existing state rules as needed to accomplish the projects. The commissioner may authorize  
455.24 projects to use alternative methods of (1) investigating and assessing reports of child  
455.25 maltreatment, and (2) administrative reconsideration, administrative appeal, and judicial  
455.26 appeal of maltreatment determinations, provided the alternative methods used by the projects  
455.27 comply with the provisions of sections 256.045 and 626.556 dealing with the rights of  
455.28 individuals who are the subjects of reports or investigations, including notice and appeal  
455.29 rights and data practices requirements. The commissioner may seek any federal approvals  
455.30 necessary to carry out the projects as well as seek and use any funds available to the  
455.31 commissioner, including use of federal funds, foundation funds, existing grant funds, and  
455.32 other funds. The commissioner is authorized to advance state funds as necessary to operate  
455.33 the projects. Federal reimbursement applicable to the projects is appropriated to the  
456.1 commissioner for the purposes of the projects. The projects must be required to address  
456.2 responsibility for safety, permanency, and well-being of children.

456.3 (b) For the purposes of this section, "American Indian child" means a person under 21  
456.4 years old and who is a tribal member or eligible for membership in one of the tribes chosen  
456.5 for a project under this subdivision and who is residing on the reservation of that tribe.

456.6 (c) In order to qualify for an American Indian child welfare project, a tribe must:

456.7 (1) be one of the existing tribes with reservation land in Minnesota;

456.8 (2) have a tribal court with jurisdiction over child custody proceedings;

456.9 (3) have a substantial number of children for whom determinations of maltreatment have  
456.10 occurred;

456.11 (4) have capacity to respond to reports of abuse and neglect under section 626.556;

456.12 (5) provide a wide range of services to families in need of child welfare services; and

456.13 (6) have a tribal-state title IV-E agreement in effect.

456.14 (d) Grants awarded under this section may be used for the nonfederal costs of providing  
456.15 child welfare services to American Indian children on the tribe's reservation, including costs  
456.16 associated with:

456.17 (1) assessment and prevention of child abuse and neglect;

456.18 (2) family preservation;

456.19 (3) facilitative, supportive, and reunification services;

456.20 (4) out-of-home placement for children removed from the home for child protective  
456.21 purposes; and

456.22 (5) other activities and services approved by the commissioner that further the goals of  
456.23 providing safety, permanency, and well-being of American Indian children.

456.24 (e) When a tribe has initiated a project and has been approved by the commissioner to  
456.25 assume child welfare responsibilities for American Indian children of that tribe under this  
456.26 section, the affected county social service agency is relieved of responsibility for responding  
456.27 to reports of abuse and neglect under section 626.556 for those children during the time  
456.28 within which the tribal project is in effect and funded. The commissioner shall work with  
456.29 tribes and affected counties to develop procedures for data collection, evaluation, and  
456.30 clarification of ongoing role and financial responsibilities of the county and tribe for child  
456.31 welfare services prior to initiation of the project. Children who have not been identified by  
457.1 the tribe as participating in the project shall remain the responsibility of the county. Nothing  
457.2 in this section shall alter responsibilities of the county for law enforcement or court services.

457.3 (f) Participating tribes may conduct children's mental health screenings under section  
457.4 245.4874, subdivision 1, paragraph (a), clause (12), for children who are eligible for the  
457.5 initiative and living on the reservation and who meet one of the following criteria:

457.6 (1) the child must be receiving child protective services;

457.7 (2) the child must be in foster care; or

457.8 (3) the child's parents must have had parental rights suspended or terminated.

457.9 Tribes may access reimbursement from available state funds for conducting the screenings.  
457.10 Nothing in this section shall alter responsibilities of the county for providing services under  
457.11 section 245.487.

457.12 (g) Participating tribes may establish a local child mortality review panel. In establishing  
457.13 a local child mortality review panel, the tribe agrees to conduct local child mortality reviews  
457.14 for child deaths or near-fatalities occurring on the reservation under subdivision 12. Tribes  
457.15 with established child mortality review panels shall have access to nonpublic data and shall  
457.16 protect nonpublic data under subdivision 12, paragraphs (c) to (e). The tribe shall provide  
457.17 written notice to the commissioner and affected counties when a local child mortality review  
457.18 panel has been established and shall provide data upon request of the commissioner for  
457.19 purposes of sharing nonpublic data with members of the state child mortality review panel  
457.20 in connection to an individual case.

457.21 (h) The commissioner shall collect information on outcomes relating to child safety,  
457.22 permanency, and well-being of American Indian children who are served in the projects.  
457.23 Participating tribes must provide information to the state in a format and completeness  
457.24 deemed acceptable by the state to meet state and federal reporting requirements.

457.25 (i) In consultation with the White Earth Band, the commissioner shall develop and submit  
457.26 to the chairs and ranking minority members of the legislative committees with jurisdiction  
457.27 over health and human services a plan to transfer legal responsibility for providing child  
457.28 protective services to White Earth Band member children residing in Hennepin County to  
457.29 the White Earth Band. The plan shall include a financing proposal, definitions of key terms,  
457.30 statutory amendments required, and other provisions required to implement the plan. The  
457.31 commissioner shall submit the plan by January 15, 2012.

457.32 (j) The commissioner and the Red Lake Nation, in consultation with Beltrami County,  
457.33 Clearwater County, and Lake of the Woods County, shall develop a proposal to transfer  
458.1 legal and financial responsibility to the tribe for providing child welfare and child protection  
458.2 services to tribal members and families who reside on the Red Lake Reservation in Beltrami,  
458.3 Clearwater, and Lake of the Woods Counties. The proposal shall be provided to the members  
458.4 of the house of representatives and senate committees with jurisdiction over health and  
458.5 human services no later than January 15, 2019.

458.6 Sec. 20. Minnesota Statutes 2016, section 256K.45, subdivision 2, is amended to read:

458.7 Subd. 2. **Homeless youth report.** The commissioner shall prepare a biennial report,  
458.8 beginning in February 2015, which provides meaningful information to the legislative  
458.9 committees having jurisdiction over the issue of homeless youth, that includes, but is not  
458.10 limited to: (1) a list of the areas of the state with the greatest need for services and housing  
458.11 for homeless youth, and the level and nature of the needs identified; (2) details about grants  
458.12 made; (3) the distribution of funds throughout the state based on population need; (4)  
458.13 follow-up information, if available, on the status of homeless youth and whether they have  
458.14 stable housing two years after services are provided; and (5) any other outcomes for  
458.15 populations served to determine the effectiveness of the programs and use of funding. The

261.7 Sec. 12. Minnesota Statutes 2016, section 256K.45, subdivision 2, is amended to read:

261.8 Subd. 2. **Homeless youth report.** The commissioner shall prepare a biennial report,  
261.9 beginning in February 2015, which provides meaningful information to the legislative  
261.10 committees having jurisdiction over the issue of homeless youth, that includes, but is not  
261.11 limited to: (1) a list of the areas of the state with the greatest need for services and housing  
261.12 for homeless youth, and the level and nature of the needs identified; (2) details about grants  
261.13 made; (3) the distribution of funds throughout the state based on population need; (4)  
261.14 follow-up information, if available, on the status of homeless youth and whether they have  
261.15 stable housing two years after services are provided; and (5) any other outcomes for  
261.16 populations served to determine the effectiveness of the programs and use of funding. The

458.16 commissioner is exempt from preparing this report in 2019 and must instead update the  
458.17 2007 report on homeless youth under section 28.

261.17 commissioner is exempt from preparing this report in 2019 and must instead update the  
261.18 2007 report on homeless youth under section 18.

261.19 Sec. 13. **[256K.46] STABLE HOUSING AND SUPPORT SERVICES FOR**  
261.20 **VULNERABLE YOUTH.**

261.21 Subdivision 1. **Definitions.** For purposes of this section, the following terms have the  
261.22 meanings given them:

261.23 (a) "Eligible applicant" means a program licensed by the commissioner of human services  
261.24 to provide transitional housing and support services to youth. An eligible applicant must  
261.25 have staff on site 24 hours per day and must have established confidentiality protocols as  
261.26 required by state and federal law.

261.27 (b) "Living essentials" means clothing, toiletries, transportation, interpreters, other  
261.28 supplies, and services necessary for daily living.

261.29 (c) "Support services" has the meaning given in section 256E.33, subdivision 1, paragraph  
261.30 (b), and includes crisis intervention, conflict mediation, family reunification services,  
261.31 educational services, and employment resources.

261.32 (d) "Transitional housing" means secure shelter and housing that:

262.1 (1) is provided at low or no cost;

262.2 (2) is designed to assist people transitioning from homelessness, family or relationship  
262.3 violence, or sexual exploitation, to living independently in the community; and

262.4 (3) provides residents with regular staff interaction, supervision plans, and living skills  
262.5 training and assistance.

262.6 (e) "Vulnerable youth" means youth 13 years of age through 17 years of age who have  
262.7 reported histories of sexual exploitation or family or relationship violence. Vulnerable youth  
262.8 includes youth who are homeless and youth who are parents and their children.

262.9 Subd. 2. **Grants authorized.** The commissioner of human services may award grants  
262.10 to eligible applicants to plan, establish, or operate programs to provide transitional housing  
262.11 and support services to vulnerable youth. An applicant may apply for and the commissioner  
262.12 may award grants for two-year periods, and the commissioner shall determine the number  
262.13 of grants awarded. The commissioner may reallocate underspending among grantees within  
262.14 the same grant period.

262.15 Subd. 3. **Program variance.** For purposes of this grant program, the commissioner may  
262.16 grant a program variance under chapter 245A allowing a program licensed to provide  
262.17 transitional housing and support services to youth 16 years of age through 17 years of age  
262.18 to serve youth 13 years of age through 17 years of age.

262.19 Subd. 4. **Allocation of grants.** (a) An application must be on a form and contain  
262.20 information as specified by the commissioner but at a minimum must contain:

262.21 (1) a description of the purpose or project for which grant funds will be used;

262.22 (2) a description of the specific problem the grant funds are intended to address;

262.23 (3) a description of achievable objectives, a work plan, and a timeline for implementation  
262.24 and completion of processes or projects enabled by the grant;

262.25 (4) a description of the eligible applicant's existing frameworks and experience providing  
262.26 transitional housing and support services to vulnerable youth; and

262.27 (5) a proposed process for documenting and evaluating results of the grant.

262.28 (b) Grant funds allocated under this section may be used for purposes that include, but  
262.29 are not limited to, the following:

262.30 (1) transitional housing, meals, and living essentials for vulnerable youth and their  
262.31 children;

263.1 (2) support services;

263.2 (3) mental health and substance use disorder counseling;

263.3 (4) staff training;

263.4 (5) case management and referral services; and

263.5 (6) aftercare and follow-up services, including ongoing adult and peer support.

263.6 (c) The commissioner shall review each application to determine whether the application  
263.7 is complete and whether the applicant and the project are eligible for a grant. In evaluating  
263.8 applications, the commissioner shall establish criteria including, but not limited to:

458.18 Sec. 21. Minnesota Statutes 2016, section 256M.41, subdivision 3, is amended to read:

- 458.19 Subd. 3. **Payments based on performance.** ~~(a)~~ The commissioner shall make payments  
458.20 under this section to each county ~~board on a calendar year basis in an amount determined~~  
458.21 ~~under paragraph (b) on or before July 10 of each year.~~
- 458.22 ~~(b) Calendar year allocations under subdivision 1 shall be paid to counties in the following~~  
458.23 ~~manner:~~
- 458.24 ~~(1) 80 percent of the allocation as determined in subdivision 1 must be paid to counties~~  
458.25 ~~on or before July 10 of each year;~~

- 263.9 ~~(1) the eligibility of the applicant or project;~~
- 263.10 ~~(2) the applicant's thoroughness and clarity in describing the problem grant funds are~~  
263.11 ~~intended to address;~~
- 263.12 ~~(3) a description of the population demographics and service area of the proposed project;~~  
263.13 ~~and~~
- 263.14 ~~(4) the proposed project's longevity and demonstrated financial sustainability after the~~  
263.15 ~~initial grant period.~~
- 263.16 ~~(d) In evaluating applications, the commissioner may request additional information~~  
263.17 ~~regarding a proposed project, including information on project cost. An applicant's failure~~  
263.18 ~~to provide the information requested disqualifies an applicant.~~
- 263.19 Subd. 5. **Awarding of grants.** ~~The commissioner must notify grantees of awards by~~  
263.20 ~~January 1, 2019.~~
- 263.21 Subd. 6. **Update.** ~~The commissioner shall consult with providers serving homeless youth,~~  
263.22 ~~sex-trafficked youth, or sexually exploited youth, including providers serving older youth~~  
263.23 ~~under the Safe Harbor Act and Homeless Youth Act to make recommendations that resolve~~  
263.24 ~~conflicting requirements placed on providers and foster best practices in delivering services~~  
263.25 ~~to these populations of older youth. The recommendations may include the development~~  
263.26 ~~of additional certifications not currently available under Minnesota Rules, chapter 2960.~~  
263.27 ~~The commissioner shall provide an update on the stakeholder work and recommendations~~  
263.28 ~~identified through this process to the chairs and ranking minority members of the legislative~~  
263.29 ~~committees with jurisdiction over health and human services finance and policy by January~~  
263.30 ~~15, 2019.~~

264.1 Sec. 14. Minnesota Statutes 2016, section 256M.41, subdivision 3, is amended to read:

- 264.2 Subd. 3. **Payments based on performance.** ~~(a)~~ The commissioner shall make payments  
264.3 under this section to each county ~~board on a calendar year basis in an amount determined~~  
264.4 ~~under paragraph (b).~~
- 264.5 ~~(b) Calendar year allocations under subdivision 1 shall be paid to counties in the following~~  
264.6 ~~manner:~~
- 264.7 ~~(1) 80 percent of the allocation as determined in subdivision 1 must be paid to counties~~  
264.8 ~~on or before July 10 of each year;~~

458.26 (2) ten percent of the allocation shall be withheld until the commissioner determines if  
 458.27 the county has met the performance outcome threshold of 90 percent based on face-to-face  
 458.28 contact with alleged child victims. In order to receive the performance allocation, the county  
 458.29 child protection workers must have a timely face-to-face contact with at least 90 percent of  
 458.30 all alleged child victims of screened-in maltreatment reports. The standard requires that  
 458.31 each initial face-to-face contact occur consistent with timelines defined in section 626.556,  
 458.32 subdivision 10, paragraph (i). The commissioner shall make threshold determinations in  
 458.33 January of each year and payments to counties meeting the performance outcome threshold  
 459.1 shall occur in February of each year. Any withheld funds from this appropriation for counties  
 459.2 that do not meet this requirement shall be reallocated by the commissioner to those counties  
 459.3 meeting the requirement; and

459.4 (3) ten percent of the allocation shall be withheld until the commissioner determines  
 459.5 that the county has met the performance outcome threshold of 90 percent based on  
 459.6 face-to-face visits by the case manager. In order to receive the performance allocation, the  
 459.7 total number of visits made by caseworkers on a monthly basis to children in foster care  
 459.8 and children receiving child protection services while residing in their home must be at least  
 459.9 90 percent of the total number of such visits that would occur if every child were visited  
 459.10 once per month. The commissioner shall make such determinations in January of each year  
 459.11 and payments to counties meeting the performance outcome threshold shall occur in February  
 459.12 of each year. Any withheld funds from this appropriation for counties that do not meet this  
 459.13 requirement shall be reallocated by the commissioner to those counties meeting the  
 459.14 requirement. For 2015, the commissioner shall only apply the standard for monthly foster  
 459.15 care visits.

459.16 (e) The commissioner shall work with stakeholders and the Human Services Performance  
 459.17 Council under section 402A.16 to develop recommendations for specific outcome measures  
 459.18 that counties should meet in order to receive funds withheld under paragraph (b), and include  
 459.19 in those recommendations a determination as to whether the performance measures under  
 459.20 paragraph (b) should be modified or phased out. The commissioner shall report the  
 459.21 recommendations to the legislative committees having jurisdiction over child protection  
 459.22 issues by January 1, 2018.

459.23 Sec. 22. Minnesota Statutes 2016, section 256M.41, is amended by adding a subdivision  
 459.24 to read:

459.25 Subd. 4. **County performance on child protection measures.** The commissioner shall  
 459.26 set child protection measures and standards. The commissioner shall require an  
 459.27 underperforming county to demonstrate that the county designated sufficient funds and  
 459.28 implemented a reasonable strategy to improve child protection performance, including the  
 459.29 provision of a performance improvement plan and additional remedies identified by the

264.9 (2) ten percent of the allocation shall be withheld until the commissioner determines if  
 264.10 the county has met the performance outcome threshold of 90 percent based on face-to-face  
 264.11 contact with alleged child victims. In order to receive the performance allocation, the county  
 264.12 child protection workers must have a timely face-to-face contact with at least 90 percent of  
 264.13 all alleged child victims of screened-in maltreatment reports. The standard requires that  
 264.14 each initial face-to-face contact occur consistent with timelines defined in section 626.556,  
 264.15 subdivision 10, paragraph (i). The commissioner shall make threshold determinations in  
 264.16 January of each year and payments to counties meeting the performance outcome threshold  
 264.17 shall occur in February of each year. Any withheld funds from this appropriation for counties  
 264.18 that do not meet this requirement shall be reallocated by the commissioner to those counties  
 264.19 meeting the requirement transferred to children and families operations for use under section  
 264.20 626.5591, subdivision 2, to support the Child Welfare Training Academy; and

264.21 (3) ten percent of the allocation shall be withheld until the commissioner determines  
 264.22 that the county has met the performance outcome threshold of 90 percent based on  
 264.23 face-to-face visits by the case manager. In order to receive the performance allocation, the  
 264.24 total number of visits made by caseworkers on a monthly basis to children in foster care  
 264.25 and children receiving child protection services while residing in their home must be at least  
 264.26 90 percent of the total number of such visits that would occur if every child were visited  
 264.27 once per month. The commissioner shall make such determinations in January of each year  
 264.28 and payments to counties meeting the performance outcome threshold shall occur in February  
 264.29 of each year. Any withheld funds from this appropriation for counties that do not meet this  
 264.30 requirement shall be reallocated by the commissioner to those counties meeting the  
 264.31 requirement transferred to children and families operations for use under section 626.5591,  
 264.32 subdivision 2, to support the Child Welfare Training Academy. For 2015, the commissioner  
 264.33 shall only apply the standard for monthly foster care visits.

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



459.30 commissioner. The commissioner may redirect up to 20 percent of a county's funds under  
459.31 this section toward the performance improvement plan for a county not meeting child  
459.32 protection standards and not demonstrating significant improvement. Sanctions under section  
459.33 256M.20, subdivision 3, related to noncompliance with federal performance standards also  
459.34 apply.

460.1 Sec. 23. Minnesota Statutes 2016, section 256N.24, is amended by adding a subdivision  
460.2 to read:

460.3 Subd. 2a. Minnesota assessment of parenting for children and youth (MAPCY)  
460.4 revision. The commissioner, in consultation with representatives from communities of  
460.5 color, including but not limited to advisory councils and ombudspersons, shall review and  
460.6 revise the MAPCY tool and incorporate changes that take into consideration different  
460.7 cultures and the diverse needs of communities of color.

460.8 Sec. 24. Minnesota Statutes 2016, section 260.835, subdivision 2, is amended to read:

460.9 Subd. 2. Expiration. The American Indian Child Welfare Advisory Council expires  
460.10 June 30, ~~2018~~ 2023.

460.11 Sec. 25. [260C.008] FOSTER CARE SIBLING BILL OF RIGHTS.

460.12 Subdivision 1. Statement of rights. (a) A child placed in foster care who has a sibling  
460.13 has the right to:

460.14 (1) be placed in foster care homes with the child's siblings, when possible and when it  
460.15 is in the best interest of each sibling, in order to sustain family relationships;

460.16 (2) be placed in close geographical distance to the child's siblings, if placement together  
460.17 is not possible, to facilitate frequent and meaningful contact;

460.18 (3) have frequent contact with the child's siblings in foster care and, whenever possible,  
460.19 with the child's siblings who are not in foster care, unless the responsible social services  
460.20 agency has documented that contact is not in the best interest of any sibling. Contact includes,  
460.21 but is not limited to, telephone calls, text messaging, social media and other Internet use,  
460.22 and video calls;

460.23 (4) annually receive a telephone number, address, and e-mail address for all siblings in  
460.24 foster care, and receive updated photographs of siblings regularly, by regular mail or e-mail;

460.25 (5) participate in regular face-to-face visits with the child's siblings in foster care and,  
460.26 whenever possible, with the child's siblings who are not in foster care. Participation in these

460.27 visits shall not be withheld or restricted as a consequence for behavior, and shall only be  
460.28 restricted if the responsible social services agency documents that the visits are contrary to  
460.29 the safety or well-being of any sibling. Social workers, parents, foster care providers, and  
460.30 older children must cooperate to ensure regular visits and must coordinate dates, times,  
460.31 transportation, and other accommodations as necessary. The timing and regularity of visits  
460.32 shall be outlined in each sibling's service plan, based on the individual circumstances and  
461.1 needs of each child. A social worker need not give explicit permission for each visit or  
461.2 possible overnight visit, but foster care providers shall communicate with social workers  
461.3 about these visits;

461.4 (6) be actively involved in each other's lives and share celebrations, if they choose to  
461.5 do so, including but not limited to birthdays, holidays, graduations, school and extracurricular  
461.6 activities, cultural customs in the siblings' native language, and other milestones;

461.7 (7) be promptly informed about changes in sibling placements or circumstances, including  
461.8 but not limited to new placements, discharge from placements, significant life events, and  
461.9 discharge from foster care;

461.10 (8) be included in permanency planning decisions for siblings, if appropriate; and

461.11 (9) be informed of the expectations for and possibility of continued contact with a sibling  
461.12 after an adoption or transfer of permanent physical and legal custody to a relative.

461.13 (b) Adult siblings of children in foster care shall have the right to be considered as foster  
461.14 care providers, adoptive parents, and relative custodians for their siblings, if they choose  
461.15 to do so.

461.16 Subd. 2. **Interpretation.** The rights under this section are established for the benefit of  
461.17 siblings in foster care. This statement of rights does not replace or diminish other rights,  
461.18 liberties, and responsibilities that may exist relative to children in foster care, adult siblings  
461.19 of children in foster care, foster care providers, parents, relatives, or responsible social  
461.20 services agencies.

461.21 Subd. 3. **Disclosure.** Child welfare agency staff shall provide a copy of these rights to  
461.22 a child who has a sibling at the time the child enters foster care, to any adult siblings of a  
461.23 child entering foster care, if known, and to the foster care provider, in a format specified  
461.24 by the commissioner of human services. The copy shall contain the address and telephone  
461.25 number of the Office of Ombudsman for Families and a brief statement describing how to  
461.26 file a complaint with the office.

461.27 **EFFECTIVE DATE.** This section is effective for children entering foster care on or  
 461.28 after August 1, 2018. Subdivision 3 is effective August 1, 2018, and applies to all children  
 461.29 in foster care on that date, regardless of when the child entered foster care.

461.30 Sec. 26. **[260C.81] CHILD WELFARE TRAINING SYSTEM.**

461.31 Subdivision 1. **Child welfare training system.** (a) The commissioner of human services  
 461.32 shall modify the Child Welfare Training System developed pursuant to section 626.5591,  
 462.1 subdivision 2, as provided in this section. The new training framework shall be known as  
 462.2 the Child Welfare Training Academy.

462.3 (b) The Child Welfare Training Academy shall be administered through five regional  
 462.4 hubs in northwest, northeast, southwest, southeast, and central Minnesota. Each hub shall  
 462.5 deliver training targeted to the needs of its particular region, taking into account varying  
 462.6 demographics, resources, and practice outcomes.

462.7 (c) The Child Welfare Training Academy shall use training methods best suited to the  
 462.8 training content. National best practices in adult learning must be used to the greatest extent  
 462.9 possible, including online learning methodologies, coaching, mentoring, and simulated skill  
 462.10 application.

462.11 (d) Each child welfare worker and supervisor shall be required to complete a certification,  
 462.12 including a competency-based knowledge test and a skills demonstration, at the completion  
 462.13 of the worker's initial training and biennially thereafter. The commissioner shall develop  
 462.14 ongoing training requirements and a method for tracking certifications.

462.15 (e) Each regional hub shall have a regional organizational effectiveness specialist trained  
 462.16 in continuous quality improvement strategies. The specialist shall provide organizational  
 462.17 change assistance to counties and tribes, with priority given to efforts intended to impact  
 462.18 child safety.

462.19 (f) The Child Welfare Training Academy shall include training and resources that address  
 462.20 worker well-being and secondary traumatic stress.

462.21 (g) The Child Welfare Training Academy shall serve the primary training audiences of:  
 462.22 (1) county and tribal child welfare workers; (2) county and tribal child welfare supervisors;  
 462.23 and (3) staff at private agencies providing out-of-home placement services for children  
 462.24 involved in Minnesota's county and tribal child welfare system.

462.25 (h) The commissioner of human services shall enter: (1) into a partnership with the  
 462.26 University of Minnesota to collaborate in the administration of workforce training; and (2)

269.17 Sec. 20. **CHILD WELFARE TRAINING ACADEMY.**

269.18 Subdivision 1. **Modifications.** (a) The commissioner of human services shall modify  
 269.19 the Child Welfare Training System developed pursuant to Minnesota Statutes, section  
 269.20 626.5591, subdivision 2, as provided in this section. The new training framework shall be  
 269.21 known as the Child Welfare Training Academy.

269.22 (b) The Child Welfare Training Academy shall be administered through five regional  
 269.23 hubs in northwest, northeast, southwest, southeast, and central Minnesota. Each hub shall  
 269.24 deliver training targeted to the needs of its particular region, taking into account varying  
 269.25 demographics, resources, and practice outcomes.

269.26 (c) The Child Welfare Training Academy shall use training methods best suited to the  
 269.27 training content. National best practices in adult learning must be used to the greatest extent  
 269.28 possible, including online learning methodologies, coaching, mentoring, and simulated skill  
 269.29 application.

269.30 (d) Each child welfare worker and supervisor shall be required to complete a certification,  
 269.31 including a competency-based knowledge test and a skills demonstration, at the completion  
 270.1 of the worker's initial training and biennially thereafter. The commissioner shall develop  
 270.2 ongoing training requirements and a method for tracking certifications.

270.3 (e) Each regional hub shall have a regional organizational effectiveness specialist trained  
 270.4 in continuous quality improvement strategies. The specialist shall provide organizational  
 270.5 change assistance to counties and tribes, with priority given to efforts intended to impact  
 270.6 child safety.

270.7 (f) The Child Welfare Training Academy shall include training and resources that address  
 270.8 worker well-being and secondary traumatic stress.

270.9 (g) The Child Welfare Training Academy shall serve the primary training audiences of  
 270.10 (1) county and tribal child welfare workers; (2) county and tribal child welfare supervisors;  
 270.11 and (3) staff at private agencies providing out-of-home placement services for children  
 270.12 involved in Minnesota's county and tribal child welfare system.

270.13 Subd. 2. **Partners.** (a) The commissioner of human services shall enter into a partnership  
 270.14 with the University of Minnesota to collaborate in the administration of workforce training.

462.27 enter into a partnership with one or more agencies to provide consultation, subject matter  
462.28 expertise, and capacity building in organizational resilience and child welfare workforce  
462.29 well-being.

462.30 Subd. 2. **Rulemaking.** The commissioner of human services may adopt rules by  
462.31 December 31, 2020, as necessary to establish the Child Welfare Training Academy. If the  
462.32 commissioner of human services does not adopt rules by December 31, 2020, rulemaking  
462.33 authority under this section is repealed. Rulemaking authority under this section is not  
463.1 continuing authority to amend or repeal rules. Any additional action on rules after adoption  
463.2 must be under specific statutory authority to take the additional action.

270.15 (b) The commissioner of human services shall enter into a partnership with one or more  
270.16 agencies to provide consultation, subject matter expertise, and capacity building in  
270.17 organizational resilience and child welfare workforce well-being.

270.29 Sec. 22. **RULEMAKING.**

270.30 The commissioner of human services may adopt rules as necessary to establish the Child  
270.31 Welfare Training Academy.

265.8 Sec. 15. **[260C.81] MINN-LINK STUDY.**

265.9 (a) The commissioner of human services shall partner with the University of Minnesota's  
265.10 Minn-LInK statewide integrated administrative data project to conduct an annual study to  
265.11 understand characteristics, experiences, and outcomes of children and families served by  
265.12 the child welfare system. Minn-LInK researchers shall annually conduct research and provide  
265.13 research briefs, reports, and consultation to the Child Welfare Training Academy to inform  
265.14 the development and revision of training curriculum.

265.15 (b) The commissioner shall report a summary of the research results to the governor and  
265.16 to the committees in the house of representatives and senate with jurisdiction over human  
265.17 services annually by December 15.

265.18 Sec. 16. Minnesota Statutes 2016, section 518A.32, subdivision 3, is amended to read:

265.19 Subd. 3. **Parent not considered voluntarily unemployed, underemployed, or employed**  
265.20 **on a less than full-time basis.** A parent is not considered voluntarily unemployed,  
265.21 underemployed, or employed on a less than full-time basis upon a showing by the parent  
265.22 that:

265.23 (1) the unemployment, underemployment, or employment on a less than full-time basis  
265.24 is temporary and will ultimately lead to an increase in income;

265.25 (2) the unemployment, underemployment, or employment on a less than full-time basis  
265.26 represents a bona fide career change that outweighs the adverse effect of that parent's  
265.27 diminished income on the child; ~~or~~

265.28 (3) the unemployment, underemployment, or employment on a less than full-time basis  
265.29 is because a parent is physically or mentally incapacitated or due to incarceration, ~~except~~  
265.30 ~~where the reason for incarceration is the parent's nonpayment of support; or~~

265.31 (4) the parent has been determined by an authorized government agency to be eligible  
265.32 to receive general assistance or Supplemental Security Income payments. Any income, not  
266.1 including public assistance payments, earned by the parent who is eligible for general  
266.2 assistance or Supplemental Security Income payments may be considered for the purpose  
266.3 of calculating child support.

266.4 Sec. 17. Minnesota Statutes 2016, section 518A.685, is amended to read:

266.5 **518A.685 CONSUMER REPORTING AGENCY; REPORTING ARREARS.**

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

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

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

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

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

266.17 (1) pay the arrears in full; or

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

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

463.3 Sec. 27. Minnesota Statutes 2016, section 626.556, is amended by adding a subdivision  
463.4 to read:

463.5 Subd. 17. **Child protection safety and risk-based framework response system**  
463.6 **planning initiative.** (a) The commissioner shall partner with select Minnesota counties and  
463.7 tribal child welfare agencies, including Hennepin County and at least one rural county, and  
463.8 other counties that must represent a balance around the state, to make recommendations for  
463.9 the creation of a safety and risk-based framework that will improve appropriate, timely, and  
463.10 adequate responses to a child's safety needs using a trauma-informed lens. As part of this  
463.11 work, the commissioner, county, and tribal child welfare agencies shall review Minnesota's  
463.12 child maltreatment statutes, administrative rules, guidelines, and practices, and make  
463.13 recommendations on modifications needed to implement a safety and risk-based framework  
463.14 and a response system that enhances the protection of children and best focuses county and  
463.15 tribal child protection resources in accordance with the risk and safety needs of children.  
463.16 In forming these recommendations, the commissioner shall consult with county attorneys,  
463.17 law enforcement, parents, attorneys representing parents, the guardian ad litem program,  
463.18 mental and physical health care providers, child development experts, and other stakeholders  
463.19 that the commissioner deems appropriate.

463.20 (b) By January 31, 2019, the commissioner shall make recommendations regarding the  
463.21 creation of a safety and risk-based framework to the relevant legislative committees.

463.22 Sec. 28. **2018 REPORT TO LEGISLATURE ON HOMELESS YOUTH.**

463.23 Subdivision 1. **Report development.** In lieu of the biennial homeless youth report under  
463.24 Minnesota Statutes, section 256K.45, subdivision 2, the commissioner of human services  
463.25 shall update the information in the 2007 legislative report on runaway and homeless youth.  
463.26 In developing the updated report, the commissioner may use existing data, studies, and  
463.27 analysis provided by state, county, and other entities including, but not limited to:

463.28 (1) Minnesota Housing Finance Agency analysis on housing availability;

463.29 (2) Minnesota state plan to end homelessness;

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

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

267.1 Sec. 18. **2018 REPORT TO LEGISLATURE ON HOMELESS YOUTH.**

267.2 Subdivision 1. **Report development.** In lieu of the biennial homeless youth report under  
267.3 Minnesota Statutes, section 256K.45, subdivision 2, the commissioner of human services  
267.4 shall update the information in the 2007 legislative report on runaway and homeless youth.  
267.5 In developing the updated report, the commissioner may use existing data, studies, and  
267.6 analysis provided by state, county, and other entities including, but not limited to:

267.7 (1) Minnesota Housing Finance Agency analysis on housing availability;

267.8 (2) Minnesota state plan to end homelessness;

463.30 (3) continuum of care counts of youth experiencing homelessness and assessments as  
463.31 provided by Department of Housing and Urban Development (HUD)-required coordinated  
463.32 entry systems;

464.1 (4) data collected through the Department of Human Services Homeless Youth Act grant  
464.2 program;

464.3 (5) Wilder Research homeless study;

464.4 (6) Voices of Youth Count sponsored by Hennepin County; and

464.5 (7) privately funded analysis, including:

464.6 (i) nine evidence-based principles to support youth in overcoming homelessness;

464.7 (ii) return on investment analysis conducted for YouthLink by Foldes Consulting; and

464.8 (iii) evaluation of Homeless Youth Act resources conducted by Rainbow Research.

464.9 Subd. 2. **Key elements; due date.** (a) The report may include three key elements where  
464.10 significant learning has occurred in the state since the 2007 report, including:

464.11 (1) unique causes of youth homelessness;

464.12 (2) targeted responses to youth homelessness, including significance of positive youth  
464.13 development as fundamental to each targeted response; and

464.14 (3) recommendations based on existing reports and analysis on what it will take to end  
464.15 youth homelessness.

464.16 (b) To the extent data is available, the report **may** include:

464.17 (1) general accounting of the federal and philanthropic funds leveraged to support  
464.18 homeless youth activities;

464.19 (2) general accounting of the increase in volunteer responses to support youth  
464.20 experiencing homelessness; and

464.21 (3) data-driven accounting of geographic areas or distinct populations that have gaps in  
464.22 service or are not yet served by homeless youth responses.

267.9 (3) continuum of care counts of youth experiencing homelessness and assessments as  
267.10 provided by Department of Housing and Urban Development (HUD)-required coordinated  
267.11 entry systems;

267.12 (4) data collected through the Department of Human Services Homeless Youth Act grant  
267.13 program;

267.14 (5) Wilder Research homeless study;

267.15 (6) Voices of Youth Count sponsored by Hennepin County; and

267.16 (7) privately funded analysis, including:

267.17 (i) nine evidence-based principles to support youth in overcoming homelessness;

267.18 (ii) return on investment analysis conducted for YouthLink by Foldes Consulting; and

267.19 (iii) evaluation of Homeless Youth Act resources conducted by Rainbow Research.

267.20 Subd. 2. **Key elements; due date.** (a) The report may include three key elements where  
267.21 significant learning has occurred in the state since the 2007 report, including:

267.22 (1) unique causes of youth homelessness;

267.23 (2) targeted responses to youth homelessness, including significance of positive youth  
267.24 development as fundamental to each targeted response; and

267.25 (3) recommendations based on existing reports and analysis on what it will take to end  
267.26 youth homelessness.

267.27 (b) To the extent data is available, the report **must** include:

267.28 (1) general accounting of the federal and philanthropic funds leveraged to support  
267.29 homeless youth activities;

268.1 (2) general accounting of the increase in volunteer responses to support youth  
268.2 experiencing homelessness; and

268.3 (3) data-driven accounting of geographic areas or distinct populations that have gaps in  
268.4 service or are not yet served by homeless youth responses.

464.23 (c) The commissioner of human services may consult with community-based providers  
464.24 of homeless youth services and other expert stakeholders to complete the report. The  
464.25 commissioner shall submit the report to the chairs and ranking minority members of the  
464.26 legislative committees with jurisdiction over youth homelessness by February 15, 2019.

464.27 Sec. 29. **AFRICAN AMERICAN CHILD WELFARE WORK GROUP.**

464.28 The commissioner of human services shall form an African American child welfare  
464.29 work group within the implementation work group for the Governor's Child Protection Task  
464.30 Force to help formulate policies and procedures relating to African American child welfare  
465.1 services and to ensure that African American families are provided with all possible services  
465.2 and opportunities to care for their children in their homes. The work group shall include  
465.3 child welfare policy and social work professionals and paraprofessionals, community  
465.4 members, community leaders, and parents representing all regions of the state. By February  
465.5 1, 2019, the work group shall report its findings and recommendations to the chairs and  
465.6 ranking minority members of the legislative committees with jurisdiction over child  
465.7 protection issues.

465.8 Sec. 30. **REVIEW OF BACKGROUND STUDIES AND LICENSING PROCESSES**  
465.9 **FOR RELATIVE FOSTER CARE.**

465.10 (a) The commissioner shall work with six counties, which must include Hennepin County,  
465.11 at least one rural county, and other counties that must represent a balance around the state,  
465.12 to review the background study and licensing processes for relative child foster care. The  
465.13 review must analyze past reports on foster care, licensing data, barriers to timely licensure  
465.14 for relatives, child safety, well-being, and permanency outcomes of children placed in foster  
465.15 care with relatives.

465.16 (b) By January 31, 2019, the commissioner shall make recommendations for improving  
465.17 the background study and licensing processes for children placed in foster care with relatives  
465.18 to the relevant legislative committees.

465.19 Sec. 31. **DEPARTMENT OF LICENSING, BACKGROUND STUDIES, AND**  
465.20 **OVERSIGHT.**

465.21 (a) It is the goal of the legislature to consolidate into one new state agency the licensing,  
465.22 background study, and related oversight functions currently in the Department of Human  
465.23 Services and Department of Health, including the Office of Inspector General, the Minnesota

268.5 (c) The commissioner of human services may consult with community-based providers  
268.6 of homeless youth services and other expert stakeholders to complete the report. The  
268.7 commissioner shall submit the report to the chairs and ranking minority members of the  
268.8 legislative committees with jurisdiction over youth homelessness by February 15, 2019.

**HOUSE ARTICLE 9**

324.20 Sec. 6. **HUMAN SERVICES DEPARTMENT RESTRUCTURING WORKING**  
324.21 **GROUP.**

324.22 Subdivision 1. **Establishment; membership.** (a) A working group to consider  
324.23 restructuring the Department of Human Services is established.

324.24 (b) The working group shall include 17 members as follows:



465.24 Adult Abuse Reporting Center (MAARC), and the Office of Health Facility Complaints  
465.25 (OHFC).

465.26 (b) The commissioners of human services and health shall work with the revisor of  
465.27 statutes to draft legislation establishing the new state agency, and provide the legislation to  
465.28 the chairs and ranking minority members of the senate and house of representatives  
465.29 committees with jurisdiction over health and human services by December 15, 2018, with  
465.30 the goal of the new state agency to begin operations on July 1, 2019.

324.25 (1) two members of the house of representatives, one appointed by the speaker of the  
324.26 house and one appointed by the minority leader of the house of representatives;  
324.27 (2) two members of the senate, one appointed by the senate majority leader and one  
324.28 appointed by the senate minority leader;  
324.29 (3) the legislative auditor or a designee;  
324.30 (4) the commissioner of administration or a designee;  
324.31 (5) two representatives from county social services agencies, appointed by the  
324.32 commissioner of human services;  
325.1 (6) two representatives from tribal social services agencies, appointed by the  
325.2 commissioner of human services;  
325.3 (7) two representatives from organizations that represent people served by programs  
325.4 administered by the Department of Human Services, appointed by the commissioner of  
325.5 human services;  
325.6 (8) two representatives from organizations that represent service providers that are either  
325.7 licensed or reimbursed by the Department of Human Services, appointed by the commissioner  
325.8 of human services;  
325.9 (9) one member representing the Cultural and Ethnic Communities Leadership Council,  
325.10 appointed by the commissioner of human services; and  
325.11 (10) two representatives of labor organizations, who must be full-time employees of the  
325.12 Department of Human Services working in facilities located in different geographic regions  
325.13 of the state, appointed by the governor.  
325.14 (c) The appointing authorities under this subdivision must complete their appointments  
325.15 no later than July 1, 2018.

326.10 Subd. 6. **Report.** By March 1, 2019, the working group must submit a report with  
326.11 findings, recommendations, and draft legislation to the chairs and ranking minority members  
326.12 of the legislative committees with jurisdiction over human services policy and finance. The  
326.13 report must include a discussion of the costs and benefits associated with any proposed  
326.14 restructuring.

325.16 Subd. 2. **Duties.** The working group shall review the current structure of the Department  
325.17 of Human Services and programs administered by that agency and propose a restructuring  
325.18 of the agency to provide for better coordination and control of programs, accountability,  
325.19 and continuity. In making recommendations, the working group must consider:  
325.20 (1) how human services agencies are structured in other states;  
325.21 (2) transferring duties to other state agencies;  
325.22 (3) the effect of a restructuring on clients and counties;

- 325.23 (4) administrative efficiencies;
- 325.24 (5) various analytical methods to evaluate efficiencies, including but not limited to
- 325.25 zero-based budgeting;
- 325.26 (6) budget and policy priorities;
- 325.27 (7) program funding sources;
- 325.28 (8) avoiding conflicting agency roles;
- 325.29 (9) the extent to which the agency should provide direct services to clients;
- 325.30 (10) eliminating any duplication of services; and
- 326.1 (11) staffing issues.
- 326.2 Subd. 3. **Meetings.** The legislative auditor or a designee shall convene the first meeting
- 326.3 of the working group no later than August 1, 2018. The legislative auditor or a designee
- 326.4 shall serve as the chair of the working group. Meetings of the working group are open to
- 326.5 the public.
- 326.6 Subd. 4. **Compensation.** Members of the working group shall serve without compensation
- 326.7 or reimbursement for expenses.
- 326.8 Subd. 5. **Administrative support.** The Legislative Coordinating Commission shall
- 326.9 provide administrative support for the working group and arrange for meeting space.
- 326.15 Subd. 7. **Expiration.** The working group expires March 2, 2019, or the day after the
- 326.16 working group submits the report required under subdivision 6, whichever is earlier.
- 326.17 **EFFECTIVE DATE.** This section is effective the day following final enactment.

HOUSE ARTICLE 7

- 268.9 Sec. 19. **TASK FORCE ON CHILDHOOD TRAUMA-INFORMED POLICY AND**
- 268.10 **PRACTICES.**
- 268.11 Subdivision 1. **Establishment.** The commissioner of human services must establish and
- 268.12 appoint a task force on trauma-informed policy and practices to prevent and reduce children's
- 268.13 exposure to adverse childhood experiences (ACEs) consisting of the following members:
- 268.14 (1) the commissioners of human services, public safety, health, and education or the
- 268.15 commissioners' designees;
- 268.16 (2) two members representing law enforcement with expertise in juvenile justice;
- 268.17 (3) two members representing county social services agencies;

268.18 (4) four members, one representing each of the three ethnic councils established under  
268.19 Minnesota Statutes, section 15.0145, and one representing the Indian Affairs Council  
268.20 established under Minnesota Statutes, section 3.922;

268.21 (5) two members representing tribal social services providers;

268.22 (6) two members with expertise in prekindergarten through grade 12 education;

268.23 (7) three licensed health care professionals with expertise in the neurobiology of  
268.24 childhood development representing public health, mental health, and primary health;

268.25 (8) one member representing family service or children's mental health collaboratives;

268.26 (9) two parents who had ACEs;

268.27 (10) two ombudspersons from the Minnesota Office of Ombudsperson for Families; and

268.28 (11) representatives of any other group the commissioner of human services deems  
268.29 appropriate to complete the duties of the task force.

269.1 Subd. 2. **Staff.** The commissioner of human services must provide meeting space, support  
269.2 staff, and administrative services for the task force.

269.3 Subd. 3. **Duties.** The task force must perform the following duties:

269.4 (1) engage the human services, education, public health, juvenile justice, and criminal  
269.5 justice systems in the creation of trauma-informed policy and practices in each of these  
269.6 systems to prevent and reduce ACEs and to support the health and well-being of all families;  
269.7 and

269.8 (2) identify social determinants of the health and well-being of all families and  
269.9 recommend solutions to eliminate racial and ethnic disparities in the state.

269.10 Subd. 4. **Report.** The task force must submit a report on the results of its duties outlined  
269.11 in subdivision 3 and any policy recommendations to the chairs and ranking minority members  
269.12 of the legislative committees with jurisdiction over health and human services, public safety,  
269.13 judiciary, and education by January 15, 2019.

269.14 Subd. 5. **Expiration.** The task force expires upon submission of the report required  
269.15 under subdivision 4.

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

270.18 Sec. 21. **CHILD WELFARE CASELOAD STUDY.**

270.19 (a) The commissioner of human services shall conduct a child welfare caseload study  
270.20 to collect data on (1) the number of child welfare workers in Minnesota, and (2) the amount  
270.21 of time that child welfare workers spend on different components of child welfare work.  
270.22 The study must be completed by July 1, 2019.

270.23 (b) The commissioner shall report the results of the child welfare caseload study to the  
270.24 governor and to the committees in the house of representatives and senate with jurisdiction  
270.25 over human services by December 1, 2019.

270.26 (c) After the child welfare caseload study is complete, the commissioner shall work with  
270.27 counties and other stakeholders to develop a process for ongoing monitoring of child welfare  
270.28 workers' caseloads.

**HOUSE ARTICLE 9**

326.27 Sec. 8. **COMMISSIONER OF HUMAN SERVICES CHILD CARE LICENSING**  
326.28 **RULEMAKING AUTHORITY.**

326.29 Notwithstanding any provision of law to the contrary, the commissioner of human  
326.30 services may not adopt rules under Minnesota Statutes, chapter 14, related to family child  
326.31 care, group family child care, or child care centers, unless otherwise expressly authorized  
327.1 by law enacted on or after the effective date of this section. Existing statutes authorizing  
327.2 rulemaking on these topics are no longer effective, except as necessary to support rules that  
327.3 were adopted prior to the effective date of this section.

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

**HOUSE ARTICLE 7**

271.1 Sec. 23. **REVISOR'S INSTRUCTION.**

271.2 The revisor of statutes, in consultation with the Department of Human Services, House  
271.3 Research Department, and Senate Counsel, Research and Fiscal Analysis shall change the  
271.4 terms "food support" and "food stamps" to "Supplemental Nutrition Assistance Program"  
271.5 or "SNAP" in Minnesota Statutes and Minnesota Rules when appropriate. The revisor may  
271.6 make technical and other necessary changes to sentence structure to preserve the meaning  
271.7 of the text.

271.8 Sec. 24. EFFECTIVE DATE.

271.9 (a) Sections 1, 2, and 4 to 7 are effective as soon as practicable contingent upon:

271.10 (1) receipt of additional federal child care and development funds above the amount  
271.11 received in federal fiscal year 2017 appropriated in the federal Consolidated Appropriations  
271.12 Act of 2018, Public Law 115-141, and any subsequent federal appropriations, in an amount  
271.13 sufficient to cover the cost associated with the amendments to those sections through June  
271.14 30, 2021; and

271.15 (2) satisfactory completion of the requirements in Minnesota Statutes, section 3.3005.

271.16 (b) If the additional federal child care and development funds are not sufficient to cover  
271.17 the cost of the amendments to sections 1, 2, and 4 to 7, those sections are effective upon  
271.18 implementation by the commissioner of human services.

271.19 The commissioner of human services shall prioritize implementation of those sections as  
271.20 follows:

271.21 (1) first priority is implementation of the amendments to Minnesota Statutes, sections  
271.22 119B.011, subdivision 13b; 119B.025, subdivision 1; and 119B.095, subdivision 3;

271.23 (2) second priority is implementation of the amendments to Minnesota Statutes, section  
271.24 119B.011, subdivision 20;

271.25 (3) third priority is implementation of the amendments to Minnesota Statutes, section  
271.26 119B.03, subdivision 9; and

271.27 (4) fourth priority is implementation of the amendments to Minnesota Statutes, section  
271.28 119B.13, subdivision 1.

271.29 (c) The commissioner of human services shall determine if the additional child care and  
271.30 development funds are sufficient by June 30, 2018, and notify the revisor of statutes when  
271.31 sections 1, 2, and 4 to 7 are effective.