

400.13

## ARTICLE 10

400.14

## CHILD PROTECTION

270.24 Sec. 18. Minnesota Statutes 2020, section 256N.02, subdivision 16, is amended to read:

270.25 Subd. 16. **Permanent legal and physical custody.** "Permanent legal and physical  
270.26 custody" means: (1) a full transfer of permanent legal and physical custody of a child ordered  
270.27 by a Minnesota juvenile court under section 260C.515, subdivision 4, to a relative ~~ordered~~  
270.28 ~~by a Minnesota juvenile court under section 260C.515, subdivision 4, who is not the child's~~  
270.29 parent as defined in section 260C.007, subdivision 25; or (2) for a child under jurisdiction  
270.30 of a tribal court, a judicial determination under a similar provision in tribal code which  
270.31 means that a relative will assume the duty and authority to provide care, control, and  
270.32 protection of a child who is residing in foster care, and to make decisions regarding the  
270.33 child's education, health care, and general welfare until adulthood. To establish eligibility  
271.1 for Northstar kinship assistance, permanent legal and physical custody does not include  
271.2 joint legal custody, joint physical custody, or joint legal and joint physical custody of a child  
271.3 shared by the child's parent and relative custodian.

271.4 Sec. 19. Minnesota Statutes 2020, section 256N.02, subdivision 17, is amended to read:

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

271.12 Sec. 20. Minnesota Statutes 2020, section 256N.22, subdivision 1, is amended to read:

271.13 Subdivision 1. **General eligibility requirements.** (a) To be eligible for Northstar kinship  
271.14 assistance under this section, there must be a judicial determination under section 260C.515,  
271.15 subdivision 4, that a transfer of permanent legal and physical custody to a relative who is  
271.16 not the child's parent is in the child's best interest. For a child under jurisdiction of a tribal  
271.17 court, a judicial determination under a similar provision in tribal code indicating that a  
271.18 relative will assume the duty and authority to provide care, control, and protection of a child  
271.19 who is residing in foster care, and to make decisions regarding the child's education, health  
271.20 care, and general welfare until adulthood, and that this is in the child's best interest is  
271.21 considered equivalent. A child whose parent shares legal, physical, or legal and physical  
271.22 custody of the child with a relative custodian is not eligible for Northstar kinship assistance.  
271.23 Additionally, a child must:

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

- 271.26 (2)(i) have resided with the prospective relative custodian who has been a licensed child  
 271.27 foster parent for at least six consecutive months; or
- 271.28 (ii) have received from the commissioner an exemption from the requirement in item  
 271.29 (i) that the prospective relative custodian has been a licensed child foster parent for at least  
 271.30 six consecutive months, based on a determination that:
- 271.31 (A) an expedited move to permanency is in the child's best interest;
- 272.1 (B) expedited permanency cannot be completed without provision of Northstar kinship  
 272.2 assistance;
- 272.3 (C) the prospective relative custodian is uniquely qualified to meet the child's needs, as  
 272.4 defined in section 260C.212, subdivision 2, on a permanent basis;
- 272.5 (D) the child and prospective relative custodian meet the eligibility requirements of this  
 272.6 section; and
- 272.7 (E) efforts were made by the legally responsible agency to place the child with the  
 272.8 prospective relative custodian as a licensed child foster parent for six consecutive months  
 272.9 before permanency, or an explanation why these efforts were not in the child's best interests;
- 272.10 (3) meet the agency determinations regarding permanency requirements in subdivision  
 272.11 2;
- 272.12 (4) meet the applicable citizenship and immigration requirements in subdivision 3;
- 272.13 (5) have been consulted regarding the proposed transfer of permanent legal and physical  
 272.14 custody to a relative, if the child is at least 14 years of age or is expected to attain 14 years  
 272.15 of age prior to the transfer of permanent legal and physical custody; and
- 272.16 (6) have a written, binding agreement under section 256N.25 among the caregiver or  
 272.17 caregivers, the financially responsible agency, and the commissioner established prior to  
 272.18 transfer of permanent legal and physical custody.
- 272.19 (b) In addition to the requirements in paragraph (a), the child's prospective relative  
 272.20 custodian or custodians must meet the applicable background study requirements in  
 272.21 subdivision 4.
- 272.22 (c) To be eligible for title IV-E Northstar kinship assistance, a child must also meet any  
 272.23 additional criteria in section 473(d) of the Social Security Act. The sibling of a child who  
 272.24 meets the criteria for title IV-E Northstar kinship assistance in section 473(d) of the Social  
 272.25 Security Act is eligible for title IV-E Northstar kinship assistance if the child and sibling  
 272.26 are placed with the same prospective relative custodian or custodians, and the legally  
 272.27 responsible agency, relatives, and commissioner agree on the appropriateness of the  
 272.28 arrangement for the sibling. A child who meets all eligibility criteria except those specific  
 272.29 to title IV-E Northstar kinship assistance is entitled to Northstar kinship assistance paid  
 272.30 through funds other than title IV-E.

- 273.1 Sec. 21. Minnesota Statutes 2020, section 256N.23, subdivision 2, is amended to read:
- 273.2 Subd. 2. **Special needs determination.** (a) A child is considered a child with special  
273.3 needs under this section if the requirements in paragraphs (b) to (g) are met.
- 273.4 (b) There must be a determination that the child must not or should not be returned to  
273.5 the home of the child's parents as evidenced by:
- 273.6 (1) a court-ordered termination of parental rights;
- 273.7 (2) a petition to terminate parental rights;
- 273.8 (3) consent of the child's parent to adoption accepted by the court under chapter 260C  
273.9 ~~or, in the case of a child receiving Northstar kinship assistance payments under section~~  
273.10 ~~256N.22, consent of the child's parent to the child's adoption executed under chapter 259;~~
- 273.11 (4) in circumstances when tribal law permits the child to be adopted without a termination  
273.12 of parental rights, a judicial determination by a tribal court indicating the valid reason why  
273.13 the child cannot or should not return home;
- 273.14 (5) a voluntary relinquishment under section 259.25 ~~or 259.47~~ or, if relinquishment  
273.15 occurred in another state, the applicable laws in that state; or
- 273.16 (6) the death of the legal parent or parents if the child has two legal parents.
- 273.17 (c) There exists a specific factor or condition of which it is reasonable to conclude that  
273.18 the child cannot be placed with adoptive parents without providing adoption assistance as  
273.19 evidenced by:
- 273.20 (1) a determination by the Social Security Administration that the child meets all medical  
273.21 or disability requirements of title XVI of the Social Security Act with respect to eligibility  
273.22 for Supplemental Security Income benefits;
- 273.23 (2) a documented physical, mental, emotional, or behavioral disability not covered under  
273.24 clause (1);
- 273.25 (3) a member of a sibling group being adopted at the same time by the same parent;
- 273.26 (4) an adoptive placement in the home of a parent who previously adopted a sibling for  
273.27 whom they receive adoption assistance; or
- 273.28 (5) documentation that the child is an at-risk child.
- 273.29 (d) A reasonable but unsuccessful effort must have been made to place the child with  
273.30 adoptive parents without providing adoption assistance as evidenced by:
- 273.31 (1) a documented search for an appropriate adoptive placement; or
- 274.1 (2) a determination by the commissioner that a search under clause (1) is not in the best  
274.2 interests of the child.

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

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

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

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

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

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

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

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

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

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

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

275.8 the legally responsible agency shall submit a copy of this statement to the commissioner to  
275.9 be maintained in the permanent adoption record.

275.10 Sec. 22. Minnesota Statutes 2020, section 256N.23, subdivision 6, is amended to read:

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

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

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

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

275.19 (ii) the child is under guardianship of the commissioner of human services according to  
275.20 the requirements of section 260C.325, subdivision 1 or 3, or is a ward of a Minnesota tribal  
275.21 court after termination of parental rights, suspension of parental rights, or a finding by the  
275.22 tribal court that the child cannot safely return to the care of the parent;

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

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

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

276.1 Sec. 23. Minnesota Statutes 2020, section 256N.24, subdivision 1, is amended to read:

276.2 Subdivision 1. **Assessment.** (a) Each child eligible under sections 256N.21, 256N.22,  
276.3 and 256N.23, must be assessed to determine the benefits the child may receive under section  
276.4 256N.26, in accordance with the assessment tool, process, and requirements specified in  
276.5 subdivision 2.

276.6 (b) If an agency applies the emergency foster care rate for initial placement under section  
276.7 256N.26, the agency may wait up to 30 days to complete the initial assessment.

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

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

- 276.11 (1) a child eligible for Northstar kinship assistance under section 256N.22 or adoption  
 276.12 assistance under section 256N.23 who is determined to be an at-risk child. A child under  
 276.13 this clause must be assigned level A under section 256N.26, subdivision 1; and
- 276.14 (2) a child transitioning into Northstar Care for Children under section 256N.28,  
 276.15 subdivision 7, unless the commissioner determines an assessment is appropriate.
- 276.16 Sec. 24. Minnesota Statutes 2020, section 256N.24, subdivision 8, is amended to read:
- 276.17 Subd. 8. **Completing the special assessment.** (a) The special assessment must be  
 276.18 completed in consultation with the child's caregiver. Face-to-face contact with the caregiver  
 276.19 is not required to complete the special assessment.
- 276.20 (b) If a new special assessment is required prior to the effective date of the Northstar  
 276.21 kinship assistance agreement, it must be completed by the financially responsible agency,  
 276.22 in consultation with the legally responsible agency if different. If the prospective relative  
 276.23 custodian is unable or unwilling to cooperate with the special assessment process, the child  
 276.24 shall be assigned the basic level, level B under section 256N.26, subdivision 3, ~~unless the~~  
 276.25 ~~child is known to be an at-risk child, in which case, the child shall be assigned level A under~~  
 276.26 ~~section 256N.26, subdivision 1.~~
- 276.27 (c) If a special assessment is required prior to the effective date of the adoption assistance  
 276.28 agreement, it must be completed by the financially responsible agency, in consultation with  
 276.29 the legally responsible agency if different. If there is no financially responsible agency, the  
 276.30 special assessment must be completed by the agency designated by the commissioner. If  
 276.31 the prospective adoptive parent is unable or unwilling to cooperate with the special  
 276.32 assessment process, the child must be assigned the basic level, level B under section 256N.26,  
 277.1 subdivision 3, unless the child is known to be an at-risk child, in which case, the child shall  
 277.2 be assigned level A under section 256N.26, subdivision 1.
- 277.3 (d) Notice to the prospective relative custodians or prospective adoptive parents must  
 277.4 be provided as specified in subdivision 13.
- 277.5 Sec. 25. Minnesota Statutes 2020, section 256N.24, subdivision 11, is amended to read:
- 277.6 Subd. 11. **Completion of reassessment.** (a) The reassessment must be completed in  
 277.7 consultation with the child's caregiver. Face-to-face contact with the caregiver is not required  
 277.8 to complete the reassessment.
- 277.9 (b) For foster children eligible under section 256N.21, reassessments must be completed  
 277.10 by the financially responsible agency, in consultation with the legally responsible agency  
 277.11 if different.
- 277.12 (c) If reassessment is required after the effective date of the Northstar kinship assistance  
 277.13 agreement, the reassessment must be completed by the financially responsible agency.

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

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

277.22 Sec. 26. Minnesota Statutes 2020, section 256N.24, subdivision 12, is amended to read:

277.23 Subd. 12. **Approval of initial assessments, special assessments, and reassessments.** (a)

277.24 Any agency completing initial assessments, special assessments, or reassessments must  
 277.25 designate one or more supervisors or other staff to examine and approve assessments  
 277.26 completed by others in the agency under subdivision 2. The person approving an assessment  
 277.27 must not be the case manager or staff member completing that assessment.

277.28 (b) In cases where a special assessment or reassessment for ~~guardian~~ Northstar kinship  
 277.29 assistance and adoption assistance is required under subdivision 8 or 11, the commissioner  
 277.30 shall review and approve the assessment as part of the eligibility determination process  
 277.31 outlined in section 256N.22, subdivision 7, for Northstar kinship assistance, or section  
 278.1 256N.23, subdivision 7, for adoption assistance. The assessment determines the maximum  
 278.2 ~~for~~ of the negotiated agreement amount under section 256N.25.

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

278.5 Sec. 27. Minnesota Statutes 2020, section 256N.24, subdivision 14, is amended to read:

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

278.11 Sec. 28. Minnesota Statutes 2020, section 256N.25, subdivision 1, is amended to read:

278.12 Subdivision 1. **Agreement; Northstar kinship assistance; adoption assistance.** (a) In  
 278.13 order to receive Northstar kinship assistance or adoption assistance benefits on behalf of  
 278.14 an eligible child, a written, binding agreement between the caregiver or caregivers, the  
 278.15 financially responsible agency, or, if there is no financially responsible agency, the agency  
 278.16 designated by the commissioner, and the commissioner must be established prior to  
 278.17 finalization of the adoption or a transfer of permanent legal and physical custody. The  
 278.18 agreement must be negotiated with the caregiver or caregivers under subdivision 2 and  
 278.19 renegotiated under subdivision 3, if applicable.

- 278.20 (b) The agreement must be on a form approved by the commissioner and must specify  
278.21 the following:
- 278.22 (1) duration of the agreement;
- 278.23 (2) the nature and amount of any payment, services, and assistance to be provided under  
278.24 such agreement;
- 278.25 (3) the child's eligibility for Medicaid services;
- 278.26 (4) the terms of the payment, including any child care portion as specified in section  
278.27 256N.24, subdivision 3;
- 278.28 (5) eligibility for reimbursement of nonrecurring expenses associated with adopting or  
278.29 obtaining permanent legal and physical custody of the child, to the extent that the total cost  
278.30 does not exceed \$2,000 per child pursuant to subdivision 1a;
- 279.1 (6) that the agreement must remain in effect regardless of the state of which the adoptive  
279.2 parents or relative custodians are residents at any given time;
- 279.3 (7) provisions for modification of the terms of the agreement, including renegotiation  
279.4 of the agreement;
- 279.5 (8) the effective date of the agreement; and
- 279.6 (9) the successor relative custodian or custodians for Northstar kinship assistance, when  
279.7 applicable. The successor relative custodian or custodians may be added or changed by  
279.8 mutual agreement under subdivision 3.
- 279.9 (c) The caregivers, the commissioner, and the financially responsible agency, or, if there  
279.10 is no financially responsible agency, the agency designated by the commissioner, must sign  
279.11 the agreement. A copy of the signed agreement must be given to each party. Once signed  
279.12 by all parties, the commissioner shall maintain the official record of the agreement.
- 279.13 (d) The effective date of the Northstar kinship assistance agreement must be the date of  
279.14 the court order that transfers permanent legal and physical custody to the relative. The  
279.15 effective date of the adoption assistance agreement is the date of the finalized adoption  
279.16 decree.
- 279.17 (e) Termination or disruption of the preadoptive placement or the foster care placement  
279.18 prior to assignment of custody makes the agreement with that caregiver void.
- 279.19 Sec. 29. Minnesota Statutes 2020, section 256N.25, is amended by adding a subdivision  
279.20 to read:
- 279.21 Subd. 1a. Reimbursement of nonrecurring expenses. (a) The commissioner of human  
279.22 services must reimburse a relative custodian with a fully executed Northstar kinship assistance  
279.23 benefit agreement for costs that the relative custodian incurs while seeking permanent legal  
279.24 and physical custody of a child who is the subject of a Northstar kinship assistance benefit



279.25 agreement. The commissioner must reimburse a relative custodian for expenses that are  
 279.26 reasonable and necessary that the relative incurs during the transfer of permanent legal and  
 279.27 physical custody of a child to the relative custodian, subject to a maximum of \$2,000. To  
 279.28 be eligible for reimbursement, the expenses must directly relate to the legal transfer of  
 279.29 permanent legal and physical custody of the child to the relative custodian, must not have  
 279.30 been incurred by the relative custodian in violation of state or federal law, and must not  
 279.31 have been reimbursed from other sources or funds. The relative custodian must submit  
 279.32 reimbursement requests to the commissioner within 21 months of the date of the child's  
 280.1 finalized transfer of permanent legal and physical custody, and the relative custodian must  
 280.2 follow all requirements and procedures that the commissioner prescribes.

280.3 (b) The commissioner of human services must reimburse an adoptive parent for costs  
 280.4 that the adoptive parent incurs in an adoption of a child with special needs according to  
 280.5 section 256N.23, subdivision 2. The commissioner must reimburse an adoptive parent for  
 280.6 expenses that are reasonable and necessary for the adoption of the child to occur, subject  
 280.7 to a maximum of \$2,000. To be eligible for reimbursement, the expenses must directly relate  
 280.8 to the legal adoption of the child, must not have been incurred by the adoptive parent in  
 280.9 violation of state or federal law, and must not have been reimbursed from other sources or  
 280.10 funds.

280.11 (1) Children who have special needs but who are not citizens or residents of the United  
 280.12 States and were either adopted in another country or brought to this country for the purposes  
 280.13 of adoption are categorically ineligible for the reimbursement program in this section, except  
 280.14 when the child meets the eligibility criteria in this section after the dissolution of the child's  
 280.15 international adoption.

280.16 (2) An adoptive parent, in consultation with the responsible child-placing agency, may  
 280.17 request reimbursement of nonrecurring adoption expenses by submitting a complete  
 280.18 application to the commissioner that follows the commissioner's requirements and procedures  
 280.19 on forms that the commissioner prescribes.

280.20 (3) The commissioner must determine a child's eligibility for adoption expense  
 280.21 reimbursement under title IV-E of the Social Security Act, United States Code, title 42,  
 280.22 sections 670 to 679c. If the commissioner determines that a child is eligible, the commissioner  
 280.23 of human services must fully execute the agreement for nonrecurring adoption expense  
 280.24 reimbursement by signing the agreement. For a child to be eligible, the commissioner must  
 280.25 have fully executed the agreement for nonrecurring adoption expense reimbursement prior  
 280.26 to finalizing a child's adoption.

280.27 (4) An adoptive parent who has a fully executed Northstar adoption assistance agreement  
 280.28 is not required to submit a separate application for reimbursement of nonrecurring adoption  
 280.29 expenses for the child who is the subject of the Northstar adoption assistance agreement.

280.30 (5) If the commissioner has determined the child to be eligible, the adoptive parent must  
 280.31 submit reimbursement requests to the commissioner within 21 months of the date of the

280.32 child's adoption decree, and the adoptive parent must follow requirements and procedures  
 280.33 that the commissioner prescribes.

400.15 Section 1. Minnesota Statutes 2020, section 256N.25, subdivision 2, is amended to read:

400.16 Subd. 2. **Negotiation of agreement.** (a) When a child is determined to be eligible for  
 400.17 Northstar kinship assistance or adoption assistance, the financially responsible agency, or,  
 400.18 if there is no financially responsible agency, the agency designated by the commissioner,  
 400.19 must negotiate with the caregiver to develop an agreement under subdivision 1. If and when  
 400.20 the caregiver and agency reach concurrence as to the terms of the agreement, both parties  
 400.21 shall sign the agreement. The agency must submit the agreement, along with the eligibility  
 400.22 determination outlined in sections 256N.22, subdivision 7, and 256N.23, subdivision 7, to  
 400.23 the commissioner for final review, approval, and signature according to subdivision 1.

400.24 (b) A monthly payment is provided as part of the adoption assistance or Northstar kinship  
 400.25 assistance agreement to support the care of children unless the child is eligible for adoption  
 400.26 assistance and determined to be an at-risk child, in which case no payment will be made  
 400.27 unless and until the caregiver obtains written documentation from a qualified expert that  
 400.28 the potential disability upon which eligibility for the agreement was based has manifested  
 400.29 itself.

400.30 (1) The amount of the payment made on behalf of a child eligible for Northstar kinship  
 400.31 assistance or adoption assistance is determined through agreement between the prospective  
 400.32 relative custodian or the adoptive parent and the financially responsible agency, or, if there  
 401.1 is no financially responsible agency, the agency designated by the commissioner, using the  
 401.2 assessment tool established by the commissioner in section 256N.24, subdivision 2, and the  
 401.3 associated benefit and payments outlined in section 256N.26. Except as provided under  
 401.4 section 256N.24, subdivision 1, paragraph (c), the assessment tool establishes the monthly  
 401.5 benefit level for a child under foster care. The monthly payment under a Northstar kinship  
 401.6 assistance agreement or adoption assistance agreement may be negotiated up to the monthly  
 401.7 benefit level under foster care. In no case may the amount of the payment under a Northstar  
 401.8 kinship assistance agreement or adoption assistance agreement exceed the foster care  
 401.9 maintenance payment which would have been paid during the month if the child with respect  
 401.10 to whom the Northstar kinship assistance or adoption assistance payment is made had been  
 401.11 in a foster family home in the state.

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

401.15 (3) The income of the relative custodian or custodians or adoptive parent or parents must  
 401.16 not be taken into consideration when determining eligibility for Northstar kinship assistance  
 401.17 or adoption assistance or the amount of the payments under section 256N.26.

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

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

401.22 (5) An adoptive parent of an at-risk child with an adoption assistance agreement may  
401.23 request a reassessment of the child under section 256N.24, subdivision 10, and renegotiation  
401.24 of the adoption assistance agreement under subdivision 3 to include a monthly payment, if  
401.25 the caregiver has written documentation from a qualified expert that the potential disability  
401.26 upon which eligibility for the agreement was based has manifested itself. Documentation  
401.27 of the disability must be limited to evidence deemed appropriate by the commissioner.

401.28 (c) For Northstar kinship assistance agreements:

401.29 (1) the initial amount of the monthly Northstar kinship assistance payment must be  
401.30 equivalent to the foster care rate in effect at the time that the agreement is signed ~~less any~~  
401.31 ~~offsets under section 256N.26, subdivision 11~~, or a lesser negotiated amount if agreed to  
401.32 by the prospective relative custodian and specified in that agreement, unless the Northstar  
401.33 kinship assistance agreement is entered into when a child is under the age of six; and

402.1 (2) the amount of the monthly payment for a Northstar kinship assistance agreement for  
402.2 a child who is under the age of six must be as specified in section 256N.26, subdivision 5.

402.3 (d) For adoption assistance agreements:

402.4 (1) for a child in foster care with the prospective adoptive parent immediately prior to  
402.5 adoptive placement, the initial amount of the monthly adoption assistance payment must  
402.6 be equivalent to the foster care rate in effect at the time that the agreement is signed ~~less~~  
402.7 ~~any offsets in section 256N.26, subdivision 11~~, or a lesser negotiated amount if agreed to  
402.8 by the prospective adoptive parents and specified in that agreement, unless the child is  
402.9 identified as at-risk or the adoption assistance agreement is entered into when a child is  
402.10 under the age of six;

402.11 (2) for an at-risk child who must be assigned level A as outlined in section 256N.26, no  
402.12 payment will be made unless and until the potential disability manifests itself, as documented  
402.13 by an appropriate professional, and the commissioner authorizes commencement of payment  
402.14 by modifying the agreement accordingly;

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

402.18 (4) for a child who is in the Northstar kinship assistance program immediately prior to  
402.19 adoptive placement, the initial amount of the adoption assistance payment must be equivalent  
402.20 to the Northstar kinship assistance payment in effect at the time that the adoption assistance  
402.21 agreement is signed or a lesser amount if agreed to by the prospective adoptive parent and  
402.22 specified in that agreement, unless the child is identified as an at-risk child; and

402.23 (5) for a child who is not in foster care placement or the Northstar kinship assistance  
402.24 program immediately prior to adoptive placement or negotiation of the adoption assistance

402.25 agreement, the initial amount of the adoption assistance agreement must be determined  
 402.26 using the assessment tool and process in this section and the corresponding payment amount  
 402.27 outlined in section 256N.26.

402.28 Sec. 2. Minnesota Statutes 2020, section 256N.25, subdivision 3, is amended to read:

402.29 Subd. 3. **Renegotiation of agreement.** (a) A relative custodian or adoptive parent of a  
 402.30 child with a Northstar kinship assistance or adoption assistance agreement may request  
 402.31 renegotiation of the agreement when there is a change in the needs of the child or in the  
 402.32 family's circumstances. When a relative custodian or adoptive parent requests renegotiation  
 402.33 of the agreement, a reassessment of the child must be completed consistent with section  
 403.1 256N.24, subdivisions 10 and 11. If the reassessment indicates that the child's level has  
 403.2 changed, the financially responsible agency or, if there is no financially responsible agency,  
 403.3 the agency designated by the commissioner or the commissioner's designee, and the caregiver  
 403.4 must renegotiate the agreement to include a payment with the level determined through the  
 403.5 reassessment process. The agreement must not be renegotiated unless the commissioner,  
 403.6 the financially responsible agency, and the caregiver mutually agree to the changes. The  
 403.7 effective date of any renegotiated agreement must be determined by the commissioner.

403.8 (b) An adoptive parent of an at-risk child with an adoption assistance agreement may  
 403.9 request renegotiation of the agreement to include a monthly payment under section 256N.26  
 403.10 if the caregiver has written documentation from a qualified expert that the potential disability  
 403.11 upon which eligibility for the agreement was based has manifested itself. Documentation  
 403.12 of the disability must be limited to evidence deemed appropriate by the commissioner. Prior  
 403.13 to renegotiating the agreement, a reassessment of the child must be conducted as outlined  
 403.14 in section 256N.24, subdivision 10. The reassessment must be used to renegotiate the  
 403.15 agreement to include an appropriate monthly payment. The agreement must not be  
 403.16 renegotiated unless the commissioner, the financially responsible agency, and the caregiver  
 403.17 mutually agree to the changes. The effective date of any renegotiated agreement must be  
 403.18 determined by the commissioner.

403.19 ~~(c) Renegotiation of a Northstar kinship assistance or adoption assistance agreement is~~  
 403.20 ~~required when one of the circumstances outlined in section 256N.26, subdivision 13, occurs.~~

403.21 Sec. 3. Minnesota Statutes 2020, section 256N.26, subdivision 11, is amended to read:

403.22 Subd. 11. **Child income or income attributable to the child.** (a) A monthly Northstar  
 403.23 kinship assistance or adoption assistance payment must be considered as income and  
 403.24 resources attributable to the child. Northstar kinship assistance and adoption assistance are  
 403.25 exempt from garnishment, except as permissible under the laws of the state where the child  
 403.26 resides.

403.27 (b) When a child is placed into foster care, any income and resources attributable to the  
 403.28 child are treated as provided in sections 252.27 and 260C.331, or 260B.331, as applicable  
 403.29 to the child being placed.

403.30 (c) Consideration of income and resources attributable to the child must be part of the  
 403.31 negotiation process outlined in section 256N.25, subdivision 2. In some circumstances, the  
 403.32 receipt of other income on behalf of the child may impact the amount of the monthly payment  
 403.33 received by the relative custodian or adoptive parent on behalf of the child through Northstar  
 403.34 Care for Children. Supplemental Security Income (SSI), retirement survivor's disability  
 404.1 insurance (RSDI), veteran's benefits, railroad retirement benefits, and black lung benefits  
 404.2 are considered income and resources attributable to the child.

404.3 Sec. 4. Minnesota Statutes 2020, section 256N.26, subdivision 13, is amended to read:

404.4 Subd. 13. **Treatment of retirement survivor's disability insurance, veteran's benefits,**  
 404.5 **railroad retirement benefits, and black lung benefits.** ~~(a)~~ If a child placed in foster care  
 404.6 receives retirement survivor's disability insurance, veteran's benefits, railroad retirement  
 404.7 benefits, or black lung benefits at the time of foster care placement or subsequent to  
 404.8 placement in foster care, the financially responsible agency may apply to be the payee for  
 404.9 the child for the duration of the child's placement in foster care. If it is anticipated that a  
 404.10 child will be eligible to receive retirement survivor's disability insurance, veteran's benefits,  
 404.11 railroad retirement benefits, or black lung benefits after finalization of the adoption or  
 404.12 assignment of permanent legal and physical custody, the permanent caregiver shall apply  
 404.13 to be the payee of those benefits on the child's behalf. ~~The monthly amount of the other~~  
 404.14 ~~benefits must be considered an offset to the amount of the payment the child is determined~~  
 404.15 ~~eligible for under Northstar Care for Children.~~

404.16 ~~(b) If a child becomes eligible for retirement survivor's disability insurance, veteran's~~  
 404.17 ~~benefits, railroad retirement benefits, or black lung benefits, after the initial amount of the~~  
 404.18 ~~payment under Northstar Care for Children is finalized, the permanent caregiver shall contact~~  
 404.19 ~~the commissioner to redetermine the payment under Northstar Care for Children. The~~  
 404.20 ~~monthly amount of the other benefits must be considered an offset to the amount of the~~  
 404.21 ~~payment the child is determined eligible for under Northstar Care for Children.~~

404.22 ~~(c) If a child ceases to be eligible for retirement survivor's disability insurance, veteran's~~  
 404.23 ~~benefits, railroad retirement benefits, or black lung benefits after the initial amount of the~~  
 404.24 ~~payment under Northstar Care for Children is finalized, the permanent caregiver shall contact~~  
 404.25 ~~the commissioner to redetermine the payment under Northstar Care for Children. The~~  
 404.26 ~~monthly amount of the payment under Northstar Care for Children must be the amount the~~  
 404.27 ~~child was determined to be eligible for prior to consideration of any offset.~~

404.28 ~~(d) If the monthly payment received on behalf of the child under retirement survivor's~~  
 404.29 ~~disability insurance, veteran's benefits, railroad retirement benefits, or black lung benefits~~  
 404.30 ~~changes after the adoption assistance or Northstar kinship assistance agreement is finalized,~~  
 404.31 ~~the permanent caregiver shall notify the commissioner as to the new monthly payment~~  
 404.32 ~~amount, regardless of the amount of the change in payment. If the monthly payment changes~~  
 404.33 ~~by \$75 or more, even if the change occurs incrementally over the duration of the term of~~  
 404.34 ~~the adoption assistance or Northstar kinship assistance agreement, the monthly payment~~  
 405.1 ~~under Northstar Care for Children must be adjusted without further consent to reflect the~~  
 405.2 ~~amount of the increase or decrease in the offset amount. Any subsequent change to the~~

405.3 payment must be reported and handled in the same manner. A change of monthly payments  
 405.4 of less than \$75 is not a permissible reason to renegotiate the adoption assistance or Northstar  
 405.5 kinship assistance agreement under section 256N.25, subdivision 3. The commissioner shall  
 405.6 review and revise the limit at which the adoption assistance or Northstar kinship assistance  
 405.7 agreement must be renegotiated in accordance with subdivision 9.

284.14 Sec. 35. Minnesota Statutes 2020, section 259.22, subdivision 4, is amended to read:

284.15 Subd. 4. **Time for filing petition.** A petition shall be filed not later than 12 months after  
 284.16 a child is placed in a prospective adoptive home. If a petition is not filed by that time, the  
 284.17 agency that placed the child, or, in a direct adoptive placement, the agency that is supervising  
 284.18 the placement shall file with the district court in the county where the prospective adoptive  
 284.19 parent resides a motion for an order and a report recommending one of the following:

284.20 (1) that the time for filing a petition be extended because of the child's special needs as  
 284.21 defined under title IV-E of the Social Security Act, United States Code, title 42, section  
 284.22 673;

284.23 (2) that, based on a written plan for completing filing of the petition, including a specific  
 284.24 timeline, to which the prospective adoptive parents have agreed, the time for filing a petition  
 284.25 be extended long enough to complete the plan because such an extension is in the best  
 284.26 interests of the child and additional time is needed for the child to adjust to the adoptive  
 284.27 home; or

284.28 (3) that the child be removed from the prospective adoptive home.

284.29 The prospective adoptive parent must reimburse an agency for the cost of preparing and  
 284.30 filing the motion and report under this section, unless the costs are reimbursed by the  
 284.31 commissioner under section 259.73 or ~~259A.70~~ 256N.25, subdivision 1a.

285.19 Sec. 37. Minnesota Statutes 2020, section 259.35, subdivision 1, is amended to read:

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

285.23 "Minnesota Statutes, section 259.59, provides that upon legally adopting a child, adoptive  
 285.24 parents assume all the rights and responsibilities of birth parents. The responsibilities include  
 285.25 providing for the child's financial support and caring for health, emotional, and behavioral  
 285.26 problems. Except for subsidized adoptions under Minnesota Statutes, chapter ~~259A~~ 256N,  
 285.27 or any other provisions of law that expressly apply to adoptive parents and children, adoptive  
 285.28 parents are not eligible for state or federal financial subsidies besides those that a birth  
 285.29 parent would be eligible to receive for a child. Adoptive parents may not terminate their  
 285.30 parental rights to a legally adopted child for a reason that would not apply to a birth parent  
 285.31 seeking to terminate rights to a child. An individual who takes guardianship of a child for  
 285.32 the purpose of adopting the child shall, upon taking guardianship from the child's country

405.8 Sec. 5. Minnesota Statutes 2020, section 260.761, subdivision 2, is amended to read:

405.9 Subd. 2. **Agency and court notice to tribes.** (a) When a local social services agency  
 405.10 has information that a family assessment ~~or~~, investigation, or noncaregiver sex trafficking  
 405.11 assessment being conducted may involve an Indian child, the local social services agency  
 405.12 shall notify the Indian child's tribe of the family assessment ~~or~~, investigation, or noncaregiver  
 405.13 sex trafficking assessment according to section 260E.18. Initial notice shall be provided by  
 405.14 telephone and by e-mail or facsimile. The local social services agency shall request that the  
 405.15 tribe or a designated tribal representative participate in evaluating the family circumstances,  
 405.16 identifying family and tribal community resources, and developing case plans.

405.17 (b) When a local social services agency has information that a child receiving services  
 405.18 may be an Indian child, the local social services agency shall notify the tribe by telephone  
 405.19 and by e-mail or facsimile of the child's full name and date of birth, the full names and dates  
 405.20 of birth of the child's biological parents, and, if known, the full names and dates of birth of  
 405.21 the child's grandparents and of the child's Indian custodian. This notification must be provided  
 405.22 so the tribe can determine if the child is enrolled in the tribe or eligible for membership,  
 405.23 and must be provided within seven days. If information regarding the child's grandparents  
 405.24 or Indian custodian is not available within the seven-day period, the local social services  
 405.25 agency shall continue to request this information and shall notify the tribe when it is received.  
 405.26 Notice shall be provided to all tribes to which the child may have any tribal lineage. If the  
 405.27 identity or location of the child's parent or Indian custodian and tribe cannot be determined,  
 405.28 the local social services agency shall provide the notice required in this paragraph to the  
 405.29 United States secretary of the interior.

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

406.3 (d) A local social services agency must provide the notices required under this subdivision  
 406.4 at the earliest possible time to facilitate involvement of the Indian child's tribe. Nothing in  
 406.5 this subdivision is intended to hinder the ability of the local social services agency and the  
 406.6 court to respond to an emergency situation. Lack of participation by a tribe shall not prevent  
 406.7 the tribe from intervening in services and proceedings at a later date. A tribe may participate

286.1 of origin, assume all the rights and responsibilities of birth and adoptive parents as stated  
 286.2 in this paragraph."

286.7 Sec. 39. Minnesota Statutes 2020, section 259.73, is amended to read:

286.8 **259.73 REIMBURSEMENT OF NONRECURRING ADOPTION EXPENSES.**

286.9 An individual may apply for reimbursement for costs incurred in an adoption of a child  
 286.10 with special needs under section ~~259A.70~~ 256N.25, subdivision 1a.

406.8 in a case at any time. At any stage of the local social services agency's involvement with  
 406.9 an Indian child, the agency shall provide full cooperation to the tribal social services agency,  
 406.10 including disclosure of all data concerning the Indian child. Nothing in this subdivision  
 406.11 relieves the local social services agency of satisfying the notice requirements in the Indian  
 406.12 Child Welfare Act.

406.13 Sec. 6. Minnesota Statutes 2020, section 260C.007, subdivision 14, is amended to read:

406.14 Subd. 14. **Egregious harm.** "Egregious harm" means the infliction of bodily harm to a  
 406.15 child or neglect of a child which demonstrates a grossly inadequate ability to provide  
 406.16 minimally adequate parental care. ~~The~~ Egregious harm need not have occurred in the state  
 406.17 or in the county where a termination of parental rights action is otherwise properly venued.  
 406.18 Egregious harm includes, but is not limited to:

406.19 (1) conduct ~~towards~~ toward a child that constitutes a violation of sections 609.185 to  
 406.20 609.2114, 609.222, subdivision 2, 609.223, or any other similar law of any other state;

406.21 (2) the infliction of "substantial bodily harm" to a child, as defined in section 609.02,  
 406.22 subdivision 7a;

406.23 (3) conduct ~~towards~~ toward a child that constitutes felony malicious punishment of a  
 406.24 child under section 609.377;

406.25 (4) conduct ~~towards~~ toward a child that constitutes felony unreasonable restraint of a  
 406.26 child under section 609.255, subdivision 3;

406.27 (5) conduct ~~towards~~ toward a child that constitutes felony neglect or endangerment of  
 406.28 a child under section 609.378;

406.29 (6) conduct ~~towards~~ toward a child that constitutes assault under section 609.221, 609.222,  
 406.30 or 609.223;

407.1 (7) conduct ~~towards~~ toward a child that constitutes sex trafficking, solicitation,  
 407.2 inducement, ~~or~~ promotion of, or receiving profit derived from prostitution under section  
 407.3 609.322;

407.4 (8) conduct ~~towards~~ toward a child that constitutes murder or voluntary manslaughter  
 407.5 as defined by United States Code, title 18, section 1111(a) or 1112(a);

407.6 (9) conduct ~~towards~~ toward a child that constitutes aiding or abetting, attempting,  
 407.7 conspiring, or soliciting to commit a murder or voluntary manslaughter that constitutes a  
 407.8 violation of United States Code, title 18, section 1111(a) or 1112(a); or

407.9 (10) conduct toward a child that constitutes criminal sexual conduct under sections  
 407.10 609.342 to 609.345.



335.4 Sec. 18. Minnesota Statutes 2020, section 260C.163, subdivision 3, is amended to read:

335.5 Subd. 3. **Appointment of counsel.** (a) The child, parent, guardian or custodian has the  
335.6 right to effective assistance of counsel in connection with a proceeding in juvenile court as  
335.7 provided in this subdivision.

335.8 (b) Except in proceedings where the sole basis for the petition is habitual truancy, if the  
335.9 child desires counsel but is unable to employ it, the court shall appoint counsel to represent  
335.10 the child who is ten years of age or older under section 611.14, clause (4), or other counsel  
335.11 at public expense.

335.12 (c) ~~Except in proceedings where the sole basis for the petition is habitual truancy, if the~~  
335.13 ~~parent, guardian, or custodian desires counsel but is unable to employ it, the court shall~~  
335.14 ~~appoint counsel to represent the parent, guardian, or custodian in any case in which it feels~~  
335.15 ~~that such an appointment is appropriate if the person would be financially unable to obtain~~  
335.16 ~~counsel under the guidelines set forth in section 611.17. In all child protection proceedings~~  
335.17 ~~where a child risks removal from the care of the child's parent, guardian, or custodian,~~  
335.18 ~~including a child in need of protection or services petition, an action pursuing removal of~~  
335.19 ~~a child from the child's home, a termination of parental rights petition, or a petition for~~  
335.20 ~~permanent out-of-home placement, if the parent, guardian, or custodian desires counsel and~~  
335.21 ~~is eligible for counsel under section 611.17, the court shall appoint counsel to represent~~  
335.22 ~~each parent, guardian, or custodian prior to the first hearing on the petition and at all stages~~  
335.23 ~~of the proceedings. Court appointed counsel shall be at county expense as outlined in~~  
335.24 ~~paragraph (h).~~

335.25 (d) In any proceeding where the subject of a petition for a child in need of protection or  
335.26 services is ten years of age or older, the responsible social services agency shall, within 14  
335.27 days after filing the petition or at the emergency removal hearing under section 260C.178,  
335.28 subdivision 1, if the child is present, fully and effectively inform the child of the child's  
335.29 right to be represented by appointed counsel upon request and shall notify the court as to  
335.30 whether the child desired counsel. Information provided to the child shall include, at a  
335.31 minimum, the fact that counsel will be provided without charge to the child, that the child's  
335.32 communications with counsel are confidential, and that the child has the right to participate  
335.33 in all proceedings on a petition, including the opportunity to personally attend all hearings.  
335.34 The responsible social services agency shall also, within 14 days of the child's tenth birthday,  
336.1 fully and effectively inform the child of the child's right to be represented by counsel if the  
336.2 child reaches the age of ten years while the child is the subject of a petition for a child in  
336.3 need of protection or services or is a child under the guardianship of the commissioner.

336.4 (e) In any proceeding where the sole basis for the petition is habitual truancy, the child,  
336.5 parent, guardian, and custodian do not have the right to appointment of a public defender  
336.6 or other counsel at public expense. However, before any out-of-home placement, including  
336.7 foster care or inpatient treatment, can be ordered, the court must appoint a public defender  
336.8 or other counsel at public expense in accordance with this subdivision.

336.9 (f) Counsel for the child shall not also act as the child's guardian ad litem.

336.10 (g) In any proceeding where the subject of a petition for a child in need of protection or  
 336.11 services is not represented by an attorney, the court shall determine the child's preferences  
 336.12 regarding the proceedings, including informing the child of the right to appointed counsel  
 336.13 and asking whether the child desires counsel, if the child is of suitable age to express a  
 336.14 preference.

336.15 (h) Court-appointed counsel for the parent, guardian, or custodian under this subdivision  
 336.16 is at county expense. If the county has contracted with counsel ~~meeting qualifications under~~  
 336.17 ~~paragraph (i)~~, the court shall appoint the counsel retained by the county, unless a conflict  
 336.18 of interest exists. If a conflict exists, after consulting with the chief judge of the judicial  
 336.19 district or the judge's designee, the county shall contract with competent counsel to provide  
 336.20 the necessary representation. The court may appoint only one counsel at public expense for  
 336.21 the first court hearing to represent the interests of the parents, guardians, and custodians,  
 336.22 unless, at any time during the proceedings upon petition of a party, the court determines  
 336.23 and makes written findings on the record that extraordinary circumstances exist that require  
 336.24 counsel to be appointed to represent a separate interest of other parents, guardians, or  
 336.25 custodians subject to the jurisdiction of the juvenile court.

336.26 ~~(i) Counsel retained by the county under paragraph (h) must meet the qualifications~~  
 336.27 ~~established by the Judicial Council in at least one of the following: (1) has a minimum of~~  
 336.28 ~~two years' experience handling child protection cases; (2) has training in handling child~~  
 336.29 ~~protection cases from a course or courses approved by the Judicial Council; or (3) is~~  
 336.30 ~~supervised by an attorney who meets the minimum qualifications under clause (1) or (2).~~

336.31 **EFFECTIVE DATE.** This section is effective July 1, 2022.

407.11 Sec. 7. Minnesota Statutes 2020, section 260E.01, is amended to read:

407.12 **260E.01 POLICY.**

407.13 (a) The legislature hereby declares that the public policy of this state is to protect children  
 407.14 whose health or welfare may be jeopardized through maltreatment. While it is recognized  
 407.15 that most parents want to keep their children safe, sometimes circumstances or conditions  
 407.16 interfere with their ability to do so. When this occurs, the health and safety of the children  
 407.17 must be of paramount concern. Intervention and prevention efforts must address immediate  
 407.18 concerns for child safety and the ongoing risk of maltreatment and should engage the  
 407.19 protective capacities of families. In furtherance of this public policy, it is the intent of the  
 407.20 legislature under this chapter to:

407.21 (1) protect children and promote child safety;

407.22 (2) strengthen the family;

407.23 (3) make the home, school, and community safe for children by promoting responsible  
 407.24 child care in all settings; and

407.25 (4) provide, when necessary, a safe temporary or permanent home environment for  
 407.26 maltreated children.

407.27 (b) In addition, it is the policy of this state to:

407.28 (1) require the reporting of maltreatment of children in the home, school, and community  
407.29 settings;

407.30 (2) provide for ~~the~~ voluntary reporting of maltreatment of children;

408.1 (3) require an investigation when the report alleges sexual abuse or substantial child  
408.2 endangerment, except when the report alleges sex trafficking by a noncaregiver sex trafficker;

408.3 (4) provide a family assessment, if appropriate, when the report does not allege sexual  
408.4 abuse or substantial child endangerment; ~~and~~

408.5 (5) provide a noncaregiver sex trafficking assessment when the report alleges sex  
408.6 trafficking by a noncaregiver sex trafficker; and

408.7 (6) provide protective, family support, and family preservation services when needed  
408.8 in appropriate cases.

408.9 Sec. 8. Minnesota Statutes 2020, section 260E.02, subdivision 1, is amended to read:

408.10 Subdivision 1. **Establishment of team.** A county shall establish a multidisciplinary  
408.11 child protection team that may include, but is not ~~be~~ limited to, the director of the local  
408.12 welfare agency or designees, the county attorney or designees, the county sheriff or designees,  
408.13 representatives of health and education, representatives of mental health, representatives of  
408.14 agencies providing specialized services or responding to youth who experience or are at  
408.15 risk of experiencing sex trafficking or sexual exploitation, or other appropriate human  
408.16 services or community-based agencies, and parent groups. As used in this section, a  
408.17 "community-based agency" may include, but is not limited to, schools, social services  
408.18 agencies, family service and mental health collaboratives, children's advocacy centers, early  
408.19 childhood and family education programs, Head Start, or other agencies serving children  
408.20 and families. A member of the team must be designated as the lead person of the team  
408.21 responsible for the planning process to develop standards for the team's activities with  
408.22 battered women's and domestic abuse programs and services.

408.23 Sec. 9. Minnesota Statutes 2020, section 260E.03, is amended by adding a subdivision to  
408.24 read:

408.25 Subd. 15a. **Noncaregiver sex trafficker.** "Noncaregiver sex trafficker" means an  
408.26 individual who is alleged to have engaged in the act of sex trafficking a child, who is not a  
408.27 person responsible for the child's care, who does not have a significant relationship with  
408.28 the child as defined in section 609.341, and who is not a person in a current or recent position  
408.29 of authority as defined in section 609.341, subdivision 10.

409.1 Sec. 10. Minnesota Statutes 2020, section 260E.03, is amended by adding a subdivision  
409.2 to read:

409.3 Subd. 15b. **Noncaregiver sex trafficking assessment.** "Noncaregiver sex trafficking  
409.4 assessment" is a comprehensive assessment of child safety, the risk of subsequent child  
409.5 maltreatment, and strengths and needs of the child and family. The local welfare agency  
409.6 shall only perform a noncaregiver sex trafficking assessment when a maltreatment report  
409.7 alleges sex trafficking of a child by someone other than the child's caregiver. A noncaregiver  
409.8 sex trafficking assessment does not include a determination of whether child maltreatment  
409.9 occurred. A noncaregiver sex trafficking assessment includes a determination of a family's  
409.10 need for services to address the safety of the child or children, the safety of family members,  
409.11 and the risk of subsequent child maltreatment.

409.12 Sec. 11. Minnesota Statutes 2020, section 260E.03, subdivision 22, is amended to read:

409.13 Subd. 22. **Substantial child endangerment.** "Substantial child endangerment" means  
409.14 that a person responsible for a child's care, by act or omission, commits or attempts to  
409.15 commit an act against a child ~~under their~~ in the person's care that constitutes any of the  
409.16 following:

409.17 (1) egregious harm under subdivision 5;

409.18 (2) abandonment under section 260C.301, subdivision 2;

409.19 (3) neglect under subdivision 15, paragraph (a), clause (2), that substantially endangers  
409.20 the child's physical or mental health, including a growth delay, which may be referred to  
409.21 as failure to thrive, that has been diagnosed by a physician and is due to parental neglect;

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

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

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

409.25 (7) sex trafficking, solicitation, inducement, ~~and~~ or promotion of prostitution under  
409.26 section 609.322;

409.27 (8) criminal sexual conduct under sections 609.342 to 609.3451;

409.28 (9) solicitation of children to engage in sexual conduct under section 609.352;

409.29 (10) malicious punishment or neglect or endangerment of a child under section 609.377  
409.30 or 609.378;

409.31 (11) use of a minor in sexual performance under section 617.246; or

410.1 (12) parental behavior, status, or condition ~~that mandates that~~ requiring the county  
410.2 attorney to file a termination of parental rights petition under section 260C.503, subdivision  
410.3 2.

410.4 Sec. 12. Minnesota Statutes 2020, section 260E.14, subdivision 2, is amended to read:

410.5 Subd. 2. **Sexual abuse.** (a) The local welfare agency is the agency responsible for  
 410.6 investigating an allegation of sexual abuse if the alleged offender is the parent, guardian,  
 410.7 sibling, or an individual functioning within the family unit as a person responsible for the  
 410.8 child's care, or a person with a significant relationship to the child if that person resides in  
 410.9 the child's household.

410.10 (b) The local welfare agency is also responsible for assessing or investigating when a  
 410.11 child is identified as a victim of sex trafficking.

410.12 Sec. 13. Minnesota Statutes 2020, section 260E.14, subdivision 5, is amended to read:

410.13 Subd. 5. **Law enforcement.** (a) The local law enforcement agency is the agency  
 410.14 responsible for investigating a report of maltreatment if a violation of a criminal statute is  
 410.15 alleged.

410.16 (b) Law enforcement and the responsible agency must coordinate their investigations  
 410.17 or assessments as required under this chapter when ~~the~~: (1) a report alleges maltreatment  
 410.18 that is a violation of a criminal statute by a person who is a parent, guardian, sibling, person  
 410.19 responsible for the child's care functioning within the family unit, or by a person who lives  
 410.20 in the child's household and who has a significant relationship to the child, in a setting other  
 410.21 than a facility as defined in section 260E.03; or (2) a report alleges sex trafficking of a child.

410.22 Sec. 14. Minnesota Statutes 2020, section 260E.17, subdivision 1, is amended to read:

410.23 Subdivision 1. **Local welfare agency.** (a) Upon receipt of a report, the local welfare  
 410.24 agency shall determine whether to conduct a family assessment ~~or~~, an investigation, or a  
 410.25 noncaregiver sex trafficking assessment as appropriate to prevent or provide a remedy for  
 410.26 maltreatment.

410.27 (b) The local welfare agency shall conduct an investigation when the report involves  
 410.28 sexual abuse, except as indicated in paragraph (f), or substantial child endangerment.

410.29 (c) The local welfare agency shall begin an immediate investigation ~~if~~, at any time when  
 410.30 the local welfare agency is using responding with a family assessment ~~response~~, and the  
 411.1 local welfare agency determines that there is reason to believe that sexual abuse ~~or~~, substantial  
 411.2 child endangerment, or a serious threat to the child's safety exists.

411.3 (d) The local welfare agency may conduct a family assessment for reports that do not  
 411.4 allege sexual abuse, except as indicated in paragraph (f), or substantial child endangerment.  
 411.5 In determining that a family assessment is appropriate, the local welfare agency may consider  
 411.6 issues of child safety, parental cooperation, and the need for an immediate response.

411.7 (e) The local welfare agency may conduct a family assessment ~~on~~ for a report that was  
 411.8 initially screened and assigned for an investigation. In determining that a complete  
 411.9 investigation is not required, the local welfare agency must document the reason for

411.10 terminating the investigation and notify the local law enforcement agency if the local law  
411.11 enforcement agency is conducting a joint investigation.

411.12 (f) The local welfare agency shall conduct a noncaregiver sex trafficking assessment  
411.13 when a maltreatment report alleges sex trafficking of a child and the alleged offender is a  
411.14 noncaregiver sex trafficker as defined by section 260E.03, subdivision 15a.

411.15 (g) During a noncaregiver sex trafficking assessment, the local welfare agency shall  
411.16 initiate an immediate investigation if there is reason to believe that a child's parent, caregiver,  
411.17 or household member allegedly engaged in the act of sex trafficking a child or was alleged  
411.18 to have engaged in any conduct requiring the agency to conduct an investigation.

411.19 Sec. 15. Minnesota Statutes 2020, section 260E.18, is amended to read:

411.20 **260E.18 NOTICE TO CHILD'S TRIBE.**

411.21 The local welfare agency shall provide immediate notice, according to section 260.761,  
411.22 subdivision 2, to an Indian child's tribe when the agency has reason to believe that the family  
411.23 assessment ~~or~~ investigation, or noncaregiver sex trafficking assessment may involve an  
411.24 Indian child. For purposes of this section, "immediate notice" means notice provided within  
411.25 24 hours.

411.26 Sec. 16. Minnesota Statutes 2020, section 260E.20, subdivision 2, is amended to read:

411.27 Subd. 2. **Face-to-face contact.** (a) Upon receipt of a screened in report, the local welfare  
411.28 agency shall ~~conduct a~~ have face-to-face contact with the child reported to be maltreated  
411.29 and with the child's primary caregiver sufficient to complete a safety assessment and ensure  
411.30 the immediate safety of the child.

411.31 (b) Except in a noncaregiver sex trafficking assessment, the local welfare agency shall  
411.32 have face-to-face contact with the child and primary caregiver ~~shall occur~~ immediately if  
412.1 sexual abuse or substantial child endangerment is alleged and within five calendar days for  
412.2 all other reports. If the alleged offender was not already interviewed as the primary caregiver,  
412.3 the local welfare agency shall also conduct a face-to-face interview with the alleged offender  
412.4 in the early stages of the assessment or investigation, ~~except in a noncaregiver sex trafficking~~  
412.5 assessment.

412.6 (c) At the initial contact with the alleged offender, the local welfare agency or the agency  
412.7 responsible for assessing or investigating the report must inform the alleged offender of the  
412.8 complaints or allegations made against the individual in a manner consistent with laws  
412.9 protecting the rights of the person who made the report. The interview with the alleged  
412.10 offender may be postponed if it would jeopardize an active law enforcement investigation.  
412.11 In a noncaregiver sex trafficking assessment, the local child welfare agency is not required  
412.12 to interview the alleged offender.

412.13 (d) The local welfare agency or the agency responsible for assessing or investigating  
412.14 the report must provide the alleged offender with an opportunity to make a statement, except  
412.15 in a noncaregiver sex trafficking assessment where the local welfare agency may rely on

412.16 law enforcement data. The alleged offender may submit supporting documentation relevant  
412.17 to the assessment or investigation.

412.18 Sec. 17. Minnesota Statutes 2020, section 260E.24, subdivision 2, is amended to read:

412.19 Subd. 2. **Determination after family assessment or a noncaregiver sex trafficking**  
412.20 **assessment**. After conducting a family assessment or a noncaregiver sex trafficking  
412.21 assessment, the local welfare agency shall determine whether child protective services are  
412.22 needed to address the safety of the child and other family members and the risk of subsequent  
412.23 maltreatment.

412.24 Sec. 18. Minnesota Statutes 2020, section 260E.24, subdivision 7, is amended to read:

412.25 Subd. 7. **Notification at conclusion of family assessment or a noncaregiver sex**  
412.26 **trafficking assessment**. Within ten working days of the conclusion of a family assessment  
412.27 or a noncaregiver sex trafficking assessment, the local welfare agency shall notify the parent  
412.28 or guardian of the child of the need for services to address child safety concerns or significant  
412.29 risk of subsequent maltreatment. The local welfare agency and the family may also jointly  
412.30 agree that family support and family preservation services are needed.

413.1 Sec. 19. Minnesota Statutes 2020, section 260E.33, subdivision 1, is amended to read:

413.2 Subdivision 1. **Following a family assessment or a noncaregiver sex trafficking**  
413.3 **assessment**. Administrative reconsideration is not applicable to a family assessment or  
413.4 noncaregiver sex trafficking assessment since no determination concerning maltreatment  
413.5 is made.

413.6 Sec. 20. Minnesota Statutes 2020, section 260E.35, subdivision 6, is amended to read:

413.7 Subd. 6. **Data retention**. (a) Notwithstanding sections 138.163 and 138.17, a record  
413.8 maintained or a record derived from a report of maltreatment by a local welfare agency,  
413.9 agency responsible for assessing or investigating the report, court services agency, or school  
413.10 under this chapter shall be destroyed as provided in paragraphs (b) to (e) by the responsible  
413.11 authority.

413.12 (b) For a report alleging maltreatment that was not accepted for an assessment or an  
413.13 investigation, a family assessment case, a noncaregiver sex trafficking assessment case, and  
413.14 a case where an investigation results in no determination of maltreatment or the need for  
413.15 child protective services, the record must be maintained for a period of five years after the  
413.16 date that the report was not accepted for assessment or investigation or the date of the final  
413.17 entry in the case record. A record of a report that was not accepted must contain sufficient  
413.18 information to identify the subjects of the report, the nature of the alleged maltreatment,  
413.19 and the reasons ~~as to~~ why the report was not accepted. Records under this paragraph may  
413.20 not be used for employment, background checks, or purposes other than to assist in future  
413.21 screening decisions and risk and safety assessments.

413.22 (c) All records relating to reports that, upon investigation, indicate ~~either~~ maltreatment  
 413.23 or a need for child protective services shall be maintained for ten years after the date of the  
 413.24 final entry in the case record.

413.25 (d) All records regarding a report of maltreatment, including a notification of intent to  
 413.26 interview that was received by a school under section 260E.22, subdivision 7, shall be  
 413.27 destroyed by the school when ordered to do so by the agency conducting the assessment or  
 413.28 investigation. The agency shall order the destruction of the notification when other records  
 413.29 relating to the report under investigation or assessment are destroyed under this subdivision.

413.30 (e) Private or confidential data released to a court services agency under subdivision 3,  
 413.31 paragraph (d), must be destroyed by the court services agency when ordered to do so by the  
 413.32 local welfare agency that released the data. The local welfare agency or agency responsible  
 414.1 for assessing or investigating the report shall order destruction of the data when other records  
 414.2 relating to the assessment or investigation are destroyed under this subdivision.

363.11 **Sec. 36. DIRECTION TO THE COMMISSIONER; INITIAL IMPLEMENTATION**  
 363.12 **OF COURT-APPOINTED COUNSEL IN CHILD PROTECTION PROCEEDINGS.**

363.13 The commissioner of human services shall collect data from counties regarding  
 363.14 court-appointed counsel under Minnesota Statutes, section 260C.163, subdivision 3, including  
 363.15 but not limited to:

363.16 (1) data documenting the presence of court-appointed counsel for qualifying parents,  
 363.17 guardians, or custodians at each emergency protective hearing;

363.18 (2) total annual court-appointed parent representation expenditures for each county; and

363.19 (3) additional demographic information that would assist counties in obtaining title IV-E  
 363.20 reimbursement.

363.21 The commissioner must complete and submit a report on the data in this section and efforts  
 363.22 to assist counties with implementation of required court-appointment of counsel under  
 363.23 Minnesota Statutes, section 260C.163, subdivision 3, to the chairs and ranking minority  
 363.24 members of the legislative committees with jurisdiction over human services and judiciary  
 363.25 policy and finance on or before July 1, 2022.