

673.21

ARTICLE 14

673.22

CHILD PROTECTION

673.23 Section 1. Minnesota Statutes 2020, section 242.19, subdivision 2, is amended to read:

673.24 Subd. 2. **Dispositions.** When a child has been committed to the commissioner of
673.25 corrections by a juvenile court, upon a finding of delinquency, the commissioner may for
673.26 the purposes of treatment and rehabilitation:

673.27 (1) order the child's confinement to the Minnesota Correctional Facility-Red Wing,
673.28 which shall accept the child, or to a group foster home under the control of the commissioner
673.29 of corrections, or to private facilities or facilities established by law or incorporated under
673.30 the laws of this state that may care for delinquent children;

673.31 (2) order the child's release on parole under such supervisions and conditions as the
673.32 commissioner believes conducive to law-abiding conduct, treatment and rehabilitation;

674.1 (3) order reconfinement or renewed parole as often as the commissioner believes to be
674.2 desirable;

674.3 (4) revoke or modify any order, except an order of discharge, as often as the commissioner
674.4 believes to be desirable;

674.5 (5) discharge the child when the commissioner is satisfied that the child has been
674.6 rehabilitated and that such discharge is consistent with the protection of the public;

674.7 (6) if the commissioner finds that the child is eligible for probation or parole and it
674.8 appears from the commissioner's investigation that conditions in the child's or the guardian's
674.9 home are not conducive to the child's treatment, rehabilitation, or law-abiding conduct, refer
674.10 the child, together with the commissioner's findings, to a local social services agency or a
674.11 licensed child-placing agency for placement in a foster care or, when appropriate, for
674.12 initiation of child in need of protection or services proceedings as provided in sections
674.13 260C.001 to 260C.421. The commissioner of corrections shall reimburse local social services
674.14 agencies for foster care costs they incur for the child while on probation or parole to the
674.15 extent that funds for this purpose are made available to the commissioner by the legislature.
674.16 The juvenile court ~~shall~~ may order the parents of a child on probation or parole to pay the
674.17 costs of foster care under section 260B.331, subdivision 1, if the local social services agency
674.18 has determined that requiring reimbursement is in the child's best interests, according to
674.19 their ability to pay, and to the extent that the commissioner of corrections has not reimbursed
674.20 the local social services agency.

THE FOLLOWING FOUR SECTIONS ARE FROM SENATE ARTICLE 10.
S4410-3

245.21 Section 1. Minnesota Statutes 2020, section 242.19, subdivision 2, is amended to read:

245.22 Subd. 2. **Dispositions.** When a child has been committed to the commissioner of
245.23 corrections by a juvenile court, upon a finding of delinquency, the commissioner may for
245.24 the purposes of treatment and rehabilitation:

245.25 (1) order the child's confinement to the Minnesota Correctional Facility-Red Wing,
245.26 which shall accept the child, or to a group foster home under the control of the commissioner
245.27 of corrections, or to private facilities or facilities established by law or incorporated under
245.28 the laws of this state that may care for delinquent children;

245.29 (2) order the child's release on parole under such supervisions and conditions as the
245.30 commissioner believes conducive to law-abiding conduct, treatment and rehabilitation;

246.1 (3) order reconfinement or renewed parole as often as the commissioner believes to be
246.2 desirable;

246.3 (4) revoke or modify any order, except an order of discharge, as often as the commissioner
246.4 believes to be desirable;

246.5 (5) discharge the child when the commissioner is satisfied that the child has been
246.6 rehabilitated and that such discharge is consistent with the protection of the public;

246.7 (6) if the commissioner finds that the child is eligible for probation or parole and it
246.8 appears from the commissioner's investigation that conditions in the child's or the guardian's
246.9 home are not conducive to the child's treatment, rehabilitation, or law-abiding conduct, refer
246.10 the child, together with the commissioner's findings, to a local social services agency or a
246.11 licensed child-placing agency for placement in a foster care or, when appropriate, for
246.12 initiation of child in need of protection or services proceedings as provided in sections
246.13 260C.001 to 260C.421. The commissioner of corrections shall reimburse local social services
246.14 agencies for foster care costs they incur for the child while on probation or parole to the
246.15 extent that funds for this purpose are made available to the commissioner by the legislature.
246.16 The juvenile court ~~shall~~ may order the parents of a child on probation or parole to pay the
246.17 costs of foster care under section 260B.331, subdivision 1, if the local social services agency
246.18 has determined that requiring reimbursement is in the child's best interests, according to
246.19 their ability to pay, and to the extent that the commissioner of corrections has not reimbursed
246.20 the local social services agency.

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

674.22 Subd. 2. **Agency and court notice to tribes.** (a) When a local social services agency
674.23 has information that a family assessment or, investigation, or noncaregiver sex trafficking
674.24 assessment being conducted may involve an Indian child, the local social services agency
674.25 shall notify the Indian child's tribe of the family assessment or, investigation, or noncaregiver
674.26 sex trafficking assessment according to section 260E.18. The local social services agency
674.27 shall provide initial notice shall be provided by telephone and by e-mail or facsimile. The
674.28 local social services agency shall request that the tribe or a designated tribal representative
674.29 participate in evaluating the family circumstances, identifying family and tribal community
674.30 resources, and developing case plans.

674.31 (b) When a local social services agency has information that a child receiving services
674.32 may be an Indian child, the local social services agency shall notify the tribe by telephone
674.33 and by e-mail or facsimile of the child's full name and date of birth, the full names and dates
674.34 of birth of the child's biological parents, and, if known, the full names and dates of birth of
675.1 the child's grandparents and of the child's Indian custodian. This notification must be provided
675.2 so for the tribe can to determine if the child is enrolled in the tribe or eligible for tribal
675.3 membership, and must be provided the agency must provide this notification to the tribe
675.4 within seven days of receiving information that the child may be an Indian child. If
675.5 information regarding the child's grandparents or Indian custodian is not available within
675.6 the seven-day period, the local social services agency shall continue to request this
675.7 information and shall notify the tribe when it is received. Notice shall be provided to all
675.8 tribes to which the child may have any tribal lineage. If the identity or location of the child's
675.9 parent or Indian custodian and tribe cannot be determined, the local social services agency
675.10 shall provide the notice required in this paragraph to the United States secretary of the
675.11 interior.

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

675.18 (d) A local social services agency must provide the notices required under this subdivision
675.19 at the earliest possible time to facilitate involvement of the Indian child's tribe. Nothing in
675.20 this subdivision is intended to hinder the ability of the local social services agency and the
675.21 court to respond to an emergency situation. Lack of participation by a tribe shall not prevent
675.22 the tribe from intervening in services and proceedings at a later date. A tribe may participate
675.23 in a case at any time. At any stage of the local social services agency's involvement with
675.24 an Indian child, the agency shall provide full cooperation to the tribal social services agency,
675.25 including disclosure of all data concerning the Indian child. Nothing in this subdivision
675.26 relieves the local social services agency of satisfying the notice requirements in the Indian
675.27 Child Welfare Act.

675.28 Sec. 3. Minnesota Statutes 2020, section 260B.331, subdivision 1, is amended to read:

675.29 Subdivision 1. **Care, examination, or treatment.** (a)(1) Whenever legal custody of a
675.30 child is transferred by the court to a local social services agency, or

675.31 (2) whenever legal custody is transferred to a person other than the local social services
675.32 agency, but under the supervision of the local social services agency, and

675.33 (3) whenever a child is given physical or mental examinations or treatment under order
675.34 of the court, and no provision is otherwise made by law for payment for the care,
676.1 examination, or treatment of the child, these costs are a charge upon the welfare funds of
676.2 the county in which proceedings are held upon certification of the judge of juvenile court.

676.3 (b) The court ~~shall may~~ order, and the local social services agency ~~shall may~~ require,
676.4 the parents or custodian of a child, while the child is under the age of 18, to use ~~the total~~
676.5 income and resources attributable to the child for the period of care, examination, or
676.6 treatment, except for clothing and personal needs allowance as provided in section 256B.35,
676.7 to reimburse the county for the cost of care, examination, or treatment. Income and resources
676.8 attributable to the child include, but are not limited to, Social Security benefits, Supplemental
676.9 Security Income (SSI), veterans benefits, railroad retirement benefits and child support.
676.10 When the child is over the age of 18, and continues to receive care, examination, or treatment,
676.11 the court ~~shall may~~ order, and the local social services agency ~~shall may~~ require,
676.12 reimbursement from the child for the cost of care, examination, or treatment from the income
676.13 and resources attributable to the child less the clothing and personal needs allowance. The
676.14 local social services agency shall determine whether requiring reimbursement, either through
676.15 child support or parental fees, for the cost of care, examination, or treatment from income
676.16 and resources attributable to the child is in the child's best interests. In determining whether
676.17 to require reimbursement, the local social services agency shall consider:

676.18 (1) whether requiring reimbursement would compromise a parent's ability to meet the
676.19 child's treatment and rehabilitation needs before the child returns to the parent's home;

676.20 (2) whether requiring reimbursement would compromise the parent's ability to meet the
676.21 child's needs after the child returns home; and

676.22 (3) whether redirecting existing child support payments or changing the representative
676.23 payee of social security benefits to the local social services agency would limit the parent's
676.24 ability to maintain financial stability for the child upon the child's return home.

676.25 (c) If the income and resources attributable to the child are not enough to reimburse the
676.26 county for the full cost of the care, examination, or treatment, the court ~~shall may~~ inquire
676.27 into the ability of the parents to ~~support the child~~ reimburse the county for the cost of care,
676.28 examination, or treatment and, after giving the parents a reasonable opportunity to be heard,
676.29 the court ~~shall may~~ order, and the local social services agency ~~shall may~~ require, the parents
676.30 to contribute to the cost of care, examination, or treatment of the child. ~~Except in delinquency~~
676.31 ~~cases where the victim is a member of the child's immediate family,~~ When determining the
676.32 amount to be contributed by the parents, the court shall use a fee schedule based upon ability

259.24 Sec. 19. Minnesota Statutes 2020, section 260B.331, subdivision 1, is amended to read:

259.25 Subdivision 1. **Care, examination, or treatment.** (a)(1) Whenever legal custody of a
259.26 child is transferred by the court to a local social services agency, or

259.27 (2) whenever legal custody is transferred to a person other than the local social services
259.28 agency, but under the supervision of the local social services agency, and

259.29 (3) whenever a child is given physical or mental examinations or treatment under order
259.30 of the court, and no provision is otherwise made by law for payment for the care,
259.31 examination, or treatment of the child, these costs are a charge upon the welfare funds of
259.32 the county in which proceedings are held upon certification of the judge of juvenile court.

260.1 (b) The court ~~shall may~~ order, and the local social services agency ~~shall may~~ require,
260.2 the parents or custodian of a child, while the child is under the age of 18, to use ~~the total~~
260.3 income and resources attributable to the child for the period of care, examination, or
260.4 treatment, except for clothing and personal needs allowance as provided in section 256B.35,
260.5 to reimburse the county for the cost of care, examination, or treatment. Income and resources
260.6 attributable to the child include, but are not limited to, Social Security benefits, Supplemental
260.7 Security Income (SSI), veterans benefits, railroad retirement benefits and child support.
260.8 When the child is over the age of 18, and continues to receive care, examination, or treatment,
260.9 the court ~~shall may~~ order, and the local social services agency ~~shall may~~ require,
260.10 reimbursement from the child for the cost of care, examination, or treatment from the income
260.11 and resources attributable to the child less the clothing and personal needs allowance. The
260.12 local social services agency shall determine whether requiring reimbursement, either through
260.13 child support or parental fees, for the cost of care, examination, or treatment from income
260.14 and resources attributable to the child is in the child's best interests. In determining whether
260.15 to require reimbursement, the local social services agency shall consider:

260.16 (1) whether requiring reimbursement would compromise a parent's ability to meet the
260.17 child's treatment and rehabilitation needs before the child returns to the parent's home;

260.18 (2) whether requiring reimbursement would compromise the parent's ability to meet the
260.19 child's needs after the child returns home; and

260.20 (3) whether redirecting existing child support payments or changing the representative
260.21 payee of social security benefits to the local social services agency would limit the parent's
260.22 ability to maintain financial stability for the child upon the child's return home.

260.23 (c) If the income and resources attributable to the child are not enough to reimburse the
260.24 county for the full cost of the care, examination, or treatment, the court ~~shall may~~ inquire
260.25 into the ability of the parents to ~~support the child~~ reimburse the county for the cost of care,
260.26 examination, or treatment and, after giving the parents a reasonable opportunity to be heard,
260.27 the court ~~shall may~~ order, and the local social services agency ~~shall may~~ require, the parents
260.28 to contribute to the cost of care, examination, or treatment of the child. ~~Except in delinquency~~
260.29 ~~cases where the victim is a member of the child's immediate family,~~ When determining the
260.30 amount to be contributed by the parents, the court shall use a fee schedule based upon ability

676.33 to pay that is established by the local social services agency and approved by the
 676.34 commissioner of human services. ~~In delinquency cases where the victim is a member of the~~
 677.1 ~~child's immediate family; The court shall use the fee schedule but may also take into account~~
 677.2 ~~the seriousness of the offense and any expenses which the parents have incurred as a result~~
 677.3 ~~of the offense any expenses that the parents may have incurred as a result of the offense,~~
 677.4 including but not limited to co-payments for mental health treatment and attorney fees. The
 677.5 income of a stepparent who has not adopted a child shall be excluded in calculating the
 677.6 parental contribution under this section. The local social services agency shall determine
 677.7 whether requiring reimbursement from the parents, either through child support or parental
 677.8 fees, for the cost of care, examination, or treatment from income and resources attributable
 677.9 to the child is in the child's best interests. In determining whether to require reimbursement,
 677.10 the local social services agency shall consider:

677.11 (1) whether requiring reimbursement would compromise a parent's ability to meet the
 677.12 child's treatment and rehabilitation needs before the child returns to the parent's home;

677.13 (2) whether requiring reimbursement would compromise the parent's ability to meet the
 677.14 child's needs after the child returns home; and

677.15 (3) whether requiring reimbursement would compromise the parent's ability to meet the
 677.16 needs of the family.

677.17 (d) If the local social services agency determines that requiring reimbursement is in the
 677.18 child's best interests, the court shall order the amount of reimbursement attributable to the
 677.19 parents or custodian, or attributable to the child, or attributable to both sources, withheld
 677.20 under chapter 518A from the income of the parents or the custodian of the child. A parent
 677.21 or custodian who fails to pay without good reason may be proceeded against for contempt,
 677.22 or the court may inform the county attorney, who shall proceed to collect the unpaid sums,
 677.23 or both procedures may be used.

677.24 (e) If the court orders a physical or mental examination for a child, the examination is
 677.25 a medically necessary service for purposes of determining whether the service is covered
 677.26 by a health insurance policy, health maintenance contract, or other health coverage plan.
 677.27 Court-ordered treatment shall be subject to policy, contract, or plan requirements for medical
 677.28 necessity. Nothing in this paragraph changes or eliminates benefit limits, conditions of
 677.29 coverage, co-payments or deductibles, provider restrictions, or other requirements in the
 677.30 policy, contract, or plan that relate to coverage of other medically necessary services.

678.1 Sec. 4. Minnesota Statutes 2021 Supplement, section 260C.007, subdivision 14, is amended
 678.2 to read:

678.3 Subd. 14. **Egregious harm.** "Egregious harm" means the infliction of bodily harm to a
 678.4 child or neglect of a child which demonstrates a grossly inadequate ability to provide
 678.5 minimally adequate parental care. ~~The egregious harm need not have occurred in the state~~
 678.6 ~~or in the county where a termination of parental rights action is otherwise properly venued.~~
 678.7 A district court may still have proper venue over an action to terminate parental rights when

260.31 to pay that is established by the local social services agency and approved by the
 260.32 commissioner of human services. ~~In delinquency cases where the victim is a member of the~~
 260.33 ~~child's immediate family; The court shall use the fee schedule but may also take into account~~
 260.34 ~~the seriousness of the offense and any expenses which the parents have incurred as a result~~
 260.35 ~~of the offense any expenses that the parents may have incurred as a result of the offense,~~
 261.1 including but not limited to co-payments for mental health treatment and attorney's fees.
 261.2 The income of a stepparent who has not adopted a child shall be excluded in calculating
 261.3 the parental contribution under this section. The local social services agency shall determine
 261.4 whether requiring reimbursement from the parents, either through child support or parental
 261.5 fees, for the cost of care, examination, or treatment from income and resources attributable
 261.6 to the child is in the child's best interests. In determining whether to require reimbursement,
 261.7 the local social services agency shall consider:

261.8 (1) whether requiring reimbursement would compromise a parent's ability to meet the
 261.9 child's treatment and rehabilitation needs before the child returns to the parent's home;

261.10 (2) whether requiring reimbursement would compromise the parent's ability to meet the
 261.11 child's needs after the child returns home; and

261.12 (3) whether requiring reimbursement would compromise the parent's ability to meet the
 261.13 needs of the family.

261.14 (d) If the local social services agency determines that requiring reimbursement is in the
 261.15 child's best interests, the court shall order the amount of reimbursement attributable to the
 261.16 parents or custodian, or attributable to the child, or attributable to both sources, withheld
 261.17 under chapter 518A from the income of the parents or the custodian of the child. A parent
 261.18 or custodian who fails to pay without good reason may be proceeded against for contempt,
 261.19 or the court may inform the county attorney, who shall proceed to collect the unpaid sums,
 261.20 or both procedures may be used.

261.21 (e) If the court orders a physical or mental examination for a child, the examination is
 261.22 a medically necessary service for purposes of determining whether the service is covered
 261.23 by a health insurance policy, health maintenance contract, or other health coverage plan.
 261.24 Court-ordered treatment shall be subject to policy, contract, or plan requirements for medical
 261.25 necessity. Nothing in this paragraph changes or eliminates benefit limits, conditions of
 261.26 coverage, co-payments or deductibles, provider restrictions, or other requirements in the
 261.27 policy, contract, or plan that relate to coverage of other medically necessary services.

678.8 ~~the egregious harm did not occur in the state or county where the district court is located.~~
 678.9 Egregious harm includes, but is not limited to:

678.10 (1) ~~conduct towards~~ toward a child that constitutes a violation of sections 609.185 to
 678.11 609.2114, 609.222, subdivision 2, 609.223, or any other similar law of any other state;

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

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

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

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

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

678.22 (7) ~~conduct towards~~ toward a child that constitutes ~~sex trafficking, solicitation,~~
 678.23 ~~inducement, or promotion of, or receiving profit derived from prostitution under section~~
 678.24 ~~609.322;~~

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

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

678.30 (10) ~~conduct toward a child that constitutes criminal sexual conduct under sections~~
 678.31 ~~609.342 to 609.345 or sexual extortion under section 609.3458.~~

679.1 Sec. 5. Minnesota Statutes 2020, section 260C.331, subdivision 1, is amended to read:

679.2 Subdivision 1. **Care, examination, or treatment.** (a) Except where parental rights are
 679.3 terminated,

679.4 (1) whenever legal custody of a child is transferred by the court to a responsible social
 679.5 services agency,

679.6 (2) whenever legal custody is transferred to a person other than the responsible social
 679.7 services agency, but under the supervision of the responsible social services agency, or

679.8 (3) whenever a child is given physical or mental examinations or treatment under order
 679.9 of the court, and no provision is otherwise made by law for payment for the care,
 679.10 examination, or treatment of the child, these costs are a charge upon the welfare funds of
 679.11 the county in which proceedings are held upon certification of the judge of juvenile court.

297.10 Sec. 38. Minnesota Statutes 2020, section 260C.331, subdivision 1, is amended to read:

297.11 Subdivision 1. **Care, examination, or treatment.** (a) Except where parental rights are
 297.12 terminated,

297.13 (1) whenever legal custody of a child is transferred by the court to a responsible social
 297.14 services agency,

297.15 (2) whenever legal custody is transferred to a person other than the responsible social
 297.16 services agency, but under the supervision of the responsible social services agency, or

297.17 (3) whenever a child is given physical or mental examinations or treatment under order
 297.18 of the court, and no provision is otherwise made by law for payment for the care,
 297.19 examination, or treatment of the child, these costs are a charge upon the welfare funds of
 297.20 the county in which proceedings are held upon certification of the judge of juvenile court.

679.12 (b) The court ~~shall may~~ order, and the responsible social services agency ~~shall may~~
 679.13 require, the parents or custodian of a child, while the child is under the age of 18, to use ~~the~~
 679.14 ~~total~~ income and resources attributable to the child for the period of care, examination, or
 679.15 treatment, except for clothing and personal needs allowance as provided in section 256B.35,
 679.16 to reimburse the county for the cost of care, examination, or treatment. Income and resources
 679.17 attributable to the child include, but are not limited to, Social Security benefits, Supplemental
 679.18 Security Income (SSI), veterans benefits, railroad retirement benefits and child support.
 679.19 When the child is over the age of 18, and continues to receive care, examination, or treatment,
 679.20 the court ~~shall may~~ order, and the responsible social services agency ~~shall may~~ require,
 679.21 reimbursement from the child for the cost of care, examination, or treatment from the income
 679.22 and resources attributable to the child less the clothing and personal needs allowance. Income
 679.23 does not include earnings from a child over the age of 18 who is working as part of a plan
 679.24 under section 260C.212, subdivision 1, paragraph (c), clause (12), to transition from foster
 679.25 care, or the income and resources ~~from sources other than Supplemental Security Income~~
 679.26 ~~and child support~~ that are needed to complete the requirements listed in section 260C.203.
 679.27 The responsible social services agency shall determine whether requiring reimbursement,
 679.28 either through child support or parental fees, for the cost of care, examination, or treatment
 679.29 from the parents or custodian of a child is in the child's best interests. In determining whether
 679.30 to require reimbursement, the responsible social services agency shall consider:

679.31 (1) whether requiring reimbursement would compromise the parent's ability to meet the
 679.32 requirements of the reunification plan;

679.33 (2) whether requiring reimbursement would compromise the parent's ability to meet the
 679.34 child's needs after reunification; and

680.1 (3) whether redirecting existing child support payments or changing the representative
 680.2 payee of social security benefits to the responsible social services agency would limit the
 680.3 parent's ability to maintain financial stability for the child.

680.4 (c) If the income and resources attributable to the child are not enough to reimburse the
 680.5 county for the full cost of the care, examination, or treatment, the court ~~shall may~~ inquire
 680.6 into the ability of the parents to ~~support the child~~ reimburse the county for the cost of care,
 680.7 examination, or treatment and, after giving the parents a reasonable opportunity to be heard,
 680.8 the court ~~shall may~~ order, and the responsible social services agency ~~shall may~~ require, the
 680.9 parents to contribute to the cost of care, examination, or treatment of the child. When
 680.10 determining the amount to be contributed by the parents, the court shall use a fee schedule
 680.11 based upon ability to pay that is established by the responsible social services agency and
 680.12 approved by the commissioner of human services. The income of a stepparent who has not
 680.13 adopted a child shall be excluded in calculating the parental contribution under this section.
 680.14 In determining whether to require reimbursement, the responsible social services agency
 680.15 shall consider:

680.16 (1) whether requiring reimbursement would compromise the parent's ability to meet the
 680.17 requirements of the reunification plan;

297.21 (b) The court ~~shall may~~ order, and the responsible social services agency ~~shall may~~
 297.22 require, the parents or custodian of a child, while the child is under the age of 18, to use ~~the~~
 297.23 ~~total~~ income and resources attributable to the child for the period of care, examination, or
 297.24 treatment, except for clothing and personal needs allowance as provided in section 256B.35,
 297.25 to reimburse the county for the cost of care, examination, or treatment. Income and resources
 297.26 attributable to the child include, but are not limited to, Social Security benefits, Supplemental
 297.27 Security Income (SSI), veterans benefits, railroad retirement benefits and child support.
 297.28 When the child is over the age of 18, and continues to receive care, examination, or treatment,
 297.29 the court ~~shall may~~ order, and the responsible social services agency ~~shall may~~ require,
 297.30 reimbursement from the child for the cost of care, examination, or treatment from the income
 297.31 and resources attributable to the child less the clothing and personal needs allowance. Income
 297.32 does not include earnings from a child over the age of 18 who is working as part of a plan
 297.33 under section 260C.212, subdivision 1, paragraph (c), clause (12), to transition from foster
 297.34 care, or the income and resources ~~from sources other than Supplemental Security Income~~
 298.1 ~~and child support~~ that are needed to complete the requirements listed in section 260C.203.
 298.2 The responsible social services agency shall determine whether requiring reimbursement,
 298.3 either through child support or parental fees, for the cost of care, examination, or treatment
 298.4 from the parents or custodian of a child is in the child's best interests. In determining whether
 298.5 to require reimbursement, the responsible social services agency shall consider:

298.6 (1) whether requiring reimbursement would compromise the parent's ability to meet the
 298.7 requirements of the reunification plan;

298.8 (2) whether requiring reimbursement would compromise the parent's ability to meet the
 298.9 child's needs after reunification; and

298.10 (3) whether redirecting existing child support payments or changing the representative
 298.11 payee of social security benefits to the responsible social services agency would limit the
 298.12 parent's ability to maintain financial stability for the child.

298.13 (c) If the income and resources attributable to the child are not enough to reimburse the
 298.14 county for the full cost of the care, examination, or treatment, the court ~~shall may~~ inquire
 298.15 into the ability of the parents to ~~support the child~~ reimburse the county for the cost of care,
 298.16 examination, or treatment and, after giving the parents a reasonable opportunity to be heard,
 298.17 the court ~~shall may~~ order, and the responsible social services agency ~~shall may~~ require, the
 298.18 parents to contribute to the cost of care, examination, or treatment of the child. When
 298.19 determining the amount to be contributed by the parents, the court shall use a fee schedule
 298.20 based upon ability to pay that is established by the responsible social services agency and
 298.21 approved by the commissioner of human services. The income of a stepparent who has not
 298.22 adopted a child shall be excluded in calculating the parental contribution under this section.
 298.23 In determining whether to require reimbursement, the responsible social services agency
 298.24 shall consider:

298.25 (1) whether requiring reimbursement would compromise the parent's ability to meet the
 298.26 requirements of the reunification plan;

680.18 (2) whether requiring reimbursement would compromise the parent's ability to meet the
680.19 child's needs after reunification; and

680.20 (3) whether requiring reimbursement would compromise the parent's ability to meet the
680.21 needs of the family.

680.22 (d) If the responsible social services agency determines that reimbursement is in the
680.23 child's best interest, the court shall order the amount of reimbursement attributable to the
680.24 parents or custodian, or attributable to the child, or attributable to both sources, withheld
680.25 under chapter 518A from the income of the parents or the custodian of the child. A parent
680.26 or custodian who fails to pay without good reason may be proceeded against for contempt,
680.27 or the court may inform the county attorney, who shall proceed to collect the unpaid sums,
680.28 or both procedures may be used.

680.29 (e) If the court orders a physical or mental examination for a child, the examination is
680.30 a medically necessary service for purposes of determining whether the service is covered
680.31 by a health insurance policy, health maintenance contract, or other health coverage plan.
680.32 Court-ordered treatment shall be subject to policy, contract, or plan requirements for medical
680.33 necessity. Nothing in this paragraph changes or eliminates benefit limits, conditions of
681.1 coverage, co-payments or deductibles, provider restrictions, or other requirements in the
681.2 policy, contract, or plan that relate to coverage of other medically necessary services.

681.3 (f) Notwithstanding paragraph (b), (c), or (d), a parent, custodian, or guardian of the
681.4 child is not required to use income and resources attributable to the child to reimburse the
681.5 county for costs of care and is not required to contribute to the cost of care of the child
681.6 during any period of time when the child is returned to the home of that parent, custodian,
681.7 or guardian pursuant to a trial home visit under section 260C.201, subdivision 1, paragraph
681.8 (a).

681.9 Sec. 6. Minnesota Statutes 2020, section 260C.451, subdivision 8, is amended to read:

681.10 Subd. 8. **Notice of termination of foster care.** When a child in foster care between the
681.11 ages of 18 and 21 ceases to meet one of the eligibility criteria of subdivision 3a, the
681.12 responsible social services agency shall give the child written notice that foster care will
681.13 terminate 30 days from the date the notice is sent. The child or the child's guardian ad litem
681.14 may file a motion asking the court to review the agency's determination within 15 days of
681.15 receiving the notice. The child shall not be discharged from foster care until the motion
681.16 is heard. The agency shall work with the child to prepare for the child's transition out of
681.17 foster care as the agency must provide the court with the child's personalized transition
681.18 plan required to be developed under section 260C.203, paragraph (d), clause (2) 260C.452,
681.19 subdivision 4, if the motion is filed. The written notice of termination of benefits shall be
681.20 on a form prescribed by the commissioner and shall also give notice of the right to have the
681.21 agency's determination reviewed by the court in the proceeding where the court conducts
681.22 the reviews required under section 260C.203, 260C.317, or 260C.515, subdivision 5 or 6.
681.23 A copy of the termination notice shall be sent to the child and the child's attorney, if any,
681.24 the foster care provider, the child's guardian ad litem, and the court. The agency is not

298.27 (2) whether requiring reimbursement would compromise the parent's ability to meet the
298.28 child's needs after reunification; and

298.29 (3) whether requiring reimbursement would compromise the parent's ability to meet the
298.30 needs of the family.

298.31 (d) If the responsible social services agency determines that reimbursement is in the
298.32 child's best interest, the court shall order the amount of reimbursement attributable to the
298.33 parents or custodian, or attributable to the child, or attributable to both sources, withheld
299.1 under chapter 518A from the income of the parents or the custodian of the child. A parent
299.2 or custodian who fails to pay without good reason may be proceeded against for contempt,
299.3 or the court may inform the county attorney, who shall proceed to collect the unpaid sums,
299.4 or both procedures may be used.

299.5 (e) If the court orders a physical or mental examination for a child, the examination is
299.6 a medically necessary service for purposes of determining whether the service is covered
299.7 by a health insurance policy, health maintenance contract, or other health coverage plan.
299.8 Court-ordered treatment shall be subject to policy, contract, or plan requirements for medical
299.9 necessity. Nothing in this paragraph changes or eliminates benefit limits, conditions of
299.10 coverage, co-payments or deductibles, provider restrictions, or other requirements in the
299.11 policy, contract, or plan that relate to coverage of other medically necessary services.

299.12 (f) Notwithstanding paragraph (b), (c), or (d), a parent, custodian, or guardian of the
299.13 child is not required to use income and resources attributable to the child to reimburse the
299.14 county for costs of care and is not required to contribute to the cost of care of the child
299.15 during any period of time when the child is returned to the home of that parent, custodian,
299.16 or guardian pursuant to a trial home visit under section 260C.201, subdivision 1, paragraph
299.17 (a).

681.25 responsible for paying foster care benefits for any period of time after the child actually
681.26 leaves foster care.

681.27 Sec. 7. Minnesota Statutes 2020, section 260C.451, is amended by adding a subdivision
681.28 to read:

681.29 Subd. 8a. **Transition planning.** For a youth who will be discharged from foster care at
681.30 18 years of age or older, the responsible social services agency must develop a personalized
681.31 transition plan as directed by the youth during the 180-day period immediately prior to the
681.32 expected date of discharge according to section 260C.452, subdivision 4. A youth's
681.33 personalized transition plan must include the support beyond 21 program under subdivision
682.1 8b for eligible youth. With a youth's consent, the responsible social services agency may
682.2 share the youth's personalized transition plan with a contracted agency providing case
682.3 management services under section 260C.452.

682.4 Sec. 8. Minnesota Statutes 2020, section 260C.451, is amended by adding a subdivision
682.5 to read:

682.6 Subd. 8b. **Support beyond 21 program.** For a youth who was eligible for extended
682.7 foster care under subdivision 3 and is discharged at age 21, the responsible social services
682.8 agency must ensure that the youth is referred to the support beyond 21 program. The support
682.9 beyond 21 program must provide a youth with one additional year of financial support for
682.10 housing and basic needs to assist the youth aging out of extended foster care at age 21. A
682.11 youth receiving benefits under the support beyond 21 program is also eligible for the
682.12 successful transition to adulthood program for additional support under section 260C.452.
682.13 A youth who transitions to residential services under sections 256B.092 and 256B.49 is not
682.14 eligible for the support beyond 21 program.

682.15 Sec. 9. Minnesota Statutes 2020, section 260E.01, is amended to read:

682.16 **260E.01 POLICY.**

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

682.25 (1) protect children and promote child safety;

682.26 (2) strengthen the family;

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

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

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

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

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

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

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

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

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

683.12 Sec. 10. Minnesota Statutes 2020, section 260E.02, subdivision 1, is amended to read:

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

683.26 Sec. 11. Minnesota Statutes 2020, section 260E.03, is amended by adding a subdivision
683.27 to read:

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

684.1 Sec. 12. Minnesota Statutes 2020, section 260E.03, is amended by adding a subdivision
684.2 to read:

684.3 Subd. 15b. **Noncaregiver sex trafficking assessment.** "Noncaregiver sex trafficking
684.4 assessment" is a comprehensive assessment of child safety, the risk of subsequent child
684.5 maltreatment, and strengths and needs of the child and family. The local welfare agency
684.6 shall only perform a noncaregiver sex trafficking assessment when a maltreatment report
684.7 alleges sex trafficking of a child by someone other than the child's caregiver. A noncaregiver
684.8 sex trafficking assessment does not include a determination of whether child maltreatment
684.9 occurred. A noncaregiver sex trafficking assessment includes a determination of a family's
684.10 need for services to address the safety of a child or children, the safety of family members,
684.11 and the risk of subsequent child maltreatment.

684.12 Sec. 13. Minnesota Statutes 2021 Supplement, section 260E.03, subdivision 22, is amended
684.13 to read:

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

- 684.18 (1) egregious harm under subdivision 5;
- 684.19 (2) abandonment under section 260C.301, subdivision 2;
- 684.20 (3) neglect under subdivision 15, paragraph (a), clause (2), that substantially endangers
684.21 the child's physical or mental health, including a growth delay, which may be referred to
684.22 as failure to thrive, that has been diagnosed by a physician and is due to parental neglect;
- 684.23 (4) murder in the first, second, or third degree under section 609.185, 609.19, or 609.195;
- 684.24 (5) manslaughter in the first or second degree under section 609.20 or 609.205;
- 684.25 (6) assault in the first, second, or third degree under section 609.221, 609.222, or 609.223;
- 684.26 (7) sex trafficking, solicitation, inducement, ~~and~~ or promotion of prostitution under
684.27 section 609.322;
- 684.28 (8) criminal sexual conduct under sections 609.342 to 609.3451;
- 684.29 (9) sexual extortion under section 609.3458;
- 684.30 (10) solicitation of children to engage in sexual conduct under section 609.352;
- 685.1 (11) malicious punishment or neglect or endangerment of a child under section 609.377
685.2 or 609.378;
- 685.3 (12) use of a minor in sexual performance under section 617.246; or

685.4 (13) parental behavior, status, or condition that mandates that requiring the county
685.5 attorney to file a termination of parental rights petition under section 260C.503, subdivision
685.6 2.

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

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

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

685.15 Sec. 15. Minnesota Statutes 2020, section 260E.14, subdivision 5, is amended to read:

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

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

685.25 Sec. 16. Minnesota Statutes 2020, section 260E.17, subdivision 1, is amended to read:

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

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

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

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

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

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

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

686.21 Sec. 17. Minnesota Statutes 2020, section 260E.18, is amended to read:

686.22 **260E.18 NOTICE TO CHILD'S TRIBE.**

686.23 The local welfare agency shall provide immediate notice, according to section 260.761,
686.24 subdivision 2, to an Indian child's tribe when the agency has reason to believe that the family
686.25 assessment ~~or~~, investigation, or noncaregiver sex trafficking assessment may involve an
686.26 Indian child. For purposes of this section, "immediate notice" means notice provided within
686.27 24 hours.

686.28 Sec. 18. Minnesota Statutes 2021 Supplement, section 260E.20, subdivision 2, is amended
686.29 to read:

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

687.3 (b) Except in a noncaregiver sex trafficking assessment, the local welfare agency shall
687.4 have face-to-face contact with the child and primary caregiver ~~shall occur~~ immediately after
687.5 the agency screens in a report if sexual abuse or substantial child endangerment is alleged
687.6 and within five calendar days of a screened in report for all other reports. If the alleged
687.7 offender was not already interviewed as the primary caregiver, the local welfare agency
687.8 shall also conduct a face-to-face interview with the alleged offender in the early stages of
687.9 the assessment or investigation, except in a noncaregiver sex trafficking assessment.
687.10 Face-to-face contact with the child and primary caregiver in response to a report alleging
687.11 sexual abuse or substantial child endangerment may be postponed for no more than five
687.12 calendar days if the child is residing in a location that is confirmed to restrict contact with
687.13 the alleged offender as established in guidelines issued by the commissioner, or if the local
687.14 welfare agency is pursuing a court order for the child's caregiver to produce the child for
687.15 questioning under section 260E.22, subdivision 5.

687.16 (c) At the initial contact with the alleged offender, the local welfare agency or the agency
687.17 responsible for assessing or investigating the report must inform the alleged offender of the
687.18 complaints or allegations made against the individual in a manner consistent with laws
687.19 protecting the rights of the person who made the report. The interview with the alleged
687.20 offender may be postponed if it would jeopardize an active law enforcement investigation.
687.21 When conducting a noncaregiver sex trafficking assessment, the local child welfare agency
687.22 is not required to inform or interview the alleged offender.

687.23 (d) The local welfare agency or the agency responsible for assessing or investigating
687.24 the report must provide the alleged offender with an opportunity to make a statement, except
687.25 when conducting a noncaregiver sex trafficking assessment. The alleged offender may
687.26 submit supporting documentation relevant to the assessment or investigation.

687.27 Sec. 19. Minnesota Statutes 2020, section 260E.24, subdivision 2, is amended to read:

687.28 Subd. 2. **Determination after family assessment or a noncaregiver sex trafficking**
687.29 **assessment.** After conducting a family assessment or a noncaregiver sex trafficking
687.30 assessment, the local welfare agency shall determine whether child protective services are
687.31 needed to address the safety of the child and other family members and the risk of subsequent
687.32 maltreatment.

688.1 Sec. 20. Minnesota Statutes 2020, section 260E.24, subdivision 7, is amended to read:

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

688.8 Sec. 21. Minnesota Statutes 2020, section 260E.33, subdivision 1, is amended to read:

688.9 Subdivision 1. **Following a family assessment or a noncaregiver sex trafficking**
688.10 **assessment.** Administrative reconsideration is not applicable to a family assessment or a
688.11 noncaregiver sex trafficking assessment since no determination concerning maltreatment
688.12 is made.

688.13 Sec. 22. Minnesota Statutes 2020, section 260E.35, subdivision 6, is amended to read:

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

688.19 (b) For a report alleging maltreatment that was not accepted for an assessment or an
688.20 investigation, a family assessment case, a noncaregiver sex trafficking assessment case, and
688.21 a case where an investigation results in no determination of maltreatment or the need for

688.22 child protective services, the record must be maintained for a period of five years after the
 688.23 date that the report was not accepted for assessment or investigation or the date of the final
 688.24 entry in the case record. A record of a report that was not accepted must contain sufficient
 688.25 information to identify the subjects of the report, the nature of the alleged maltreatment,
 688.26 and the reasons ~~as to~~ why the report was not accepted. Records under this paragraph may
 688.27 not be used for employment, background checks, or purposes other than to assist in future
 688.28 screening decisions and risk and safety assessments.

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

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

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

689.11 Sec. 23. Minnesota Statutes 2020, section 518A.43, subdivision 1, is amended to read:

689.12 Subdivision 1. **General factors.** Among other reasons, deviation from the presumptive
 689.13 child support obligation computed under section 518A.34 is intended to encourage prompt
 689.14 and regular payments of child support and to prevent either parent or the joint children from
 689.15 living in poverty. In addition to the child support guidelines and other factors used to calculate
 689.16 the child support obligation under section 518A.34, the court must take into consideration
 689.17 the following factors in setting or modifying child support or in determining whether to
 689.18 deviate upward or downward from the presumptive child support obligation:

689.19 (1) all earnings, income, circumstances, and resources of each parent, including real and
 689.20 personal property, but excluding income from excess employment of the obligor or obligee
 689.21 that meets the criteria of section 518A.29, paragraph (b);

689.22 (2) the extraordinary financial needs and resources, physical and emotional condition,
 689.23 and educational needs of the child to be supported;

689.24 (3) the standard of living the child would enjoy if the parents were currently living
 689.25 together, but recognizing that the parents now have separate households;

689.26 (4) whether the child resides in a foreign country for more than one year that has a
 689.27 substantially higher or lower cost of living than this country;

311.1 Sec. 52. Minnesota Statutes 2020, section 518A.43, subdivision 1, is amended to read:

311.2 Subdivision 1. **General factors.** Among other reasons, deviation from the presumptive
 311.3 child support obligation computed under section 518A.34 is intended to encourage prompt
 311.4 and regular payments of child support and to prevent either parent or the joint children from
 311.5 living in poverty. In addition to the child support guidelines and other factors used to calculate
 311.6 the child support obligation under section 518A.34, the court must take into consideration
 311.7 the following factors in setting or modifying child support or in determining whether to
 311.8 deviate upward or downward from the presumptive child support obligation:

311.9 (1) all earnings, income, circumstances, and resources of each parent, including real and
 311.10 personal property, but excluding income from excess employment of the obligor or obligee
 311.11 that meets the criteria of section 518A.29, paragraph (b);

311.12 (2) the extraordinary financial needs and resources, physical and emotional condition,
 311.13 and educational needs of the child to be supported;

311.14 (3) the standard of living the child would enjoy if the parents were currently living
 311.15 together, but recognizing that the parents now have separate households;

311.16 (4) whether the child resides in a foreign country for more than one year that has a
 311.17 substantially higher or lower cost of living than this country;

689.28 (5) which parent receives the income taxation dependency exemption and the financial
689.29 benefit the parent receives from it;

689.30 (6) the parents' debts as provided in subdivision 2; ~~and~~

689.31 (7) the obligor's total payments for court-ordered child support exceed the limitations
689.32 set forth in section 571.922; and

690.1 (8) in cases involving court-ordered out-of-home placement, whether ordering and
690.2 redirecting a child support obligation to reimburse the county for the cost of care,
690.3 examination, or treatment would compromise the parent's ability to meet the requirements
690.4 of a reunification plan or the parent's ability to meet the child's needs after reunification.

690.5 Sec. 24. **DIRECTION TO COMMISSIONER OF HUMAN SERVICES; FOSTER**
690.6 **CARE FEDERAL CASH ASSISTANCE BENEFITS PRESERVATION.**

690.7 (a) The commissioner of human services shall develop a plan to implement procedures
690.8 and policies necessary to cease allowing a financially responsible agency to use the federal
690.9 cash assistance benefits of a child in foster care to pay for out-of-home placement costs for
690.10 the child. The plan must ensure that federal cash assistance benefits are preserved and made
690.11 available to meet the best interests of the child and must include recommendations on the
690.12 following, in compliance with all applicable federal laws and Minnesota Statutes, chapters
690.13 260C and 256N:

690.14 (1) policies for youth and caregiver access to preserved federal cash assistance benefit
690.15 payments;

690.16 (2) representative payees for children in voluntary foster care for treatment pursuant to
690.17 Minnesota Statutes, chapter 260D; and

690.18 (3) family preservation and reunification.

690.19 (b) For purposes of this section, "federal cash assistance benefits" means all benefits
690.20 from programs administered by the Social Security Administration, including from the
690.21 Supplemental Security Income and the Retirement, Survivors, Disability Insurance programs.

690.22 (c) When developing the plan under this section, the commissioner shall consult or
690.23 engage with:

690.24 (1) individuals or entities with experience managing trusts and investment;

690.25 (2) individuals or entities with expertise in providing tax advice;

690.26 (3) individuals or entities with expertise in preserving assets to avoid negative impacts
690.27 on public assistance eligibility;

690.28 (4) other relevant state agencies;

311.18 (5) which parent receives the income taxation dependency exemption and the financial
311.19 benefit the parent receives from it;

311.20 (6) the parents' debts as provided in subdivision 2; ~~and~~

311.21 (7) the obligor's total payments for court-ordered child support exceed the limitations
311.22 set forth in section 571.922; and

311.23 (8) in cases involving court-ordered out-of-home placement, whether ordering and
311.24 redirecting a child support obligation to reimburse the county for the cost of care,
311.25 examination, or treatment would compromise the parent's ability to meet the requirements
311.26 of a reunification plan or the parent's ability to meet the child's needs after reunification.

- 690.29 (5) Tribal nations that have joined or are in the formal planning process to join the
- 690.30 American Indian Child Welfare Initiative;
- 690.31 (6) counties;
- 691.1 (7) the Children's Justice Initiative;
- 691.2 (8) organizations that serve and advocate for children and families in the child protection
- 691.3 system;
- 691.4 (9) parents, legal custodians, foster families, and kinship caregivers, to the extent possible;
- 691.5 (10) youth who have been or are currently in out-of-home placement; and
- 691.6 (11) other relevant stakeholders.
- 691.7 (d) By December 15, 2022, each county shall provide the following data for fiscal years
- 691.8 2019 and 2020 to the commissioner in a form prescribed by the commissioner:
- 691.9 (1) the nonduplicated number of children in foster care in the county who received
- 691.10 federal cash assistance benefits;
- 691.11 (2) the number of children for whom the county was the representative payee for federal
- 691.12 cash assistance benefits; and
- 691.13 (3) the amount of money that the county collected in federal cash assistance benefits as
- 691.14 the representative payee for children in the county.
- 691.15 (e) By January 15, 2024, the commissioner shall submit a report to the chairs and ranking
- 691.16 minority members of the legislative committees with jurisdiction over human services and
- 691.17 child welfare outlining the plan developed under this section. The report must include a
- 691.18 projected timeline for implementation of the plan, estimated implementation costs, and any
- 691.19 legislative recommendations that may be required to implement the plan.