ARTICLE 10

CHILD PROTECTION AND WELFARE

1. Minnesota Statutes 2023 Supplement, section 256.01, subdivision 12b, is amended to read:

Subd. 12b. Department of Human Services systemic critical incident review team. (a) The commissioner may establish a Department of Human Services systemic critical incident review team to review critical incidents reported as required under section 626.557 for which the Department of Human Services is responsible under section 626.5572, subdivision 13; chapter 245D; or Minnesota Rules, chapter 9544; or child fatalities and near fatalities that occur in licensed facilities and are not due to natural causes. When reviewing a critical incident, the systemic critical incident review team shall identify systemic influences to the incident rather than determine the culpability of any actors involved in the incident. The systemic critical incident review may assess the entire critical incident process from the point of an entity reporting the critical incident through the ongoing case management process. Department staff shall lead and conduct the reviews and may utilize county staff as reviewers. The systemic critical incident review process may include but is not limited to:

1. data collection about the incident and actors involved. Data may include the relevant critical services; the service provider's policies and procedures applicable to the incident; the community support plan as defined in section 245D.02, subdivision 4b, for the person receiving services; or an interview of an actor involved in the critical incident or the review of the critical incident. Actors may include:

(i) staff of the provider agency;
(ii) lead agency staff administering home and community-based services delivered by the provider;
(iii) Department of Human Services staff with oversight of home and community-based services;
(iv) Department of Health staff with oversight of home and community-based services;
(v) members of the community including advocates, legal representatives, health care providers, pharmacy staff, or others with knowledge of the incident or the actors in the incident; and
(vi) staff from the Office of the Ombudsman for Mental Health and Developmental Disabilities and the Office of Ombudsman for Long-Term Care;

(2) systemic mapping of the critical incident. The team conducting the systemic mapping of the incident may include any actors identified in clause (1), designated representatives of other provider agencies, regional teams, and representatives of the local regional quality council identified in section 256B.097; and

2. systemic critical incident review team to review critical incidents reported as required under section 626.557 for which the Department of Human Services is responsible under section 626.5572, subdivision 13; chapter 245D; or Minnesota Rules, chapter 9544; or (2) child fatalities and near fatalities that occur in licensed facilities and are not due to natural causes. When reviewing a critical incident, the systemic critical incident review team shall identify systemic influences to the incident rather than determine the culpability of any actors involved in the incident. The systemic critical incident review may assess the entire critical incident process from the point of an entity reporting the critical incident through the ongoing case management process. Department staff shall lead and conduct the reviews and may utilize county staff as reviewers. The systemic critical incident review process may include but is not limited to:

1. data collection about the incident and actors involved. Data may include the relevant critical services; the service provider's policies and procedures applicable to the incident; the community support plan as defined in section 245D.02, subdivision 4b, for the person receiving services; or an interview of an actor involved in the critical incident or the review of the critical incident. Actors may include:

(i) staff of the provider agency;
(ii) lead agency staff administering home and community-based services delivered by the provider;
(iii) Department of Human Services staff with oversight of home and community-based services;
(iv) Department of Health staff with oversight of home and community-based services;
(v) members of the community including advocates, legal representatives, health care providers, pharmacy staff, or others with knowledge of the incident or the actors in the incident; and
(vi) staff from the Office of the Ombudsman for Mental Health and Developmental Disabilities and the Office of Ombudsman for Long-Term Care;
analysis of the case for systemic influences. Data collected by the critical incident review team shall be aggregated and provided to regional teams, participating regional quality councils, and the commissioner. The regional teams and quality councils shall analyze the data and make recommendations to the commissioner regarding systemic changes that would decrease the number and severity of critical incidents in the future or improve the quality of the home and community-based service system. A person's opinions formed as a result of the review are not subject to discovery or use in a civil or criminal action solely because the information, documents, and records otherwise available from other sources are not immune from discovery or use in a civil or criminal action against a professional, the state, or a county agency arising out of the matters that the team is reviewing. Information, documents, and records otherwise available from other sources are not immune from discovery or use in a civil or criminal action solely because the information, documents, and records were assessed or presented during proceedings of the review team. A person who presented information before the systemic critical incident review team or who is a member of the team shall not be prevented from testifying about matters within the person's knowledge. In a civil or criminal proceeding, a person shall not be questioned about opinions formed by the person as a result of the review.

By October 1 of each year, the commissioner shall prepare an annual public report containing the following information:

1. The systemic critical incident review under this section shall not replace the process for screening or investigating cases of alleged maltreatment of an adult under section 626.557 or of a child under chapter 260E.
2. The department may select cases for systemic critical incident review, under the jurisdiction of the commissioner, reported for suspected maltreatment and closed following initial or final disposition.
3. The proceedings and records of the review team are confidential data on individuals or protected nonpublic data as defined in section 13.02, subdivisions 3 and 13. Data that document a person's opinions formed as a result of the review are not subject to discovery or introduction into evidence in a civil or criminal action against a professional, the state, or a county agency arising out of the matters that the team is reviewing. Information, documents, and records otherwise available from other sources are not immune from discovery or use in a civil or criminal action solely because the information, documents, and records were assessed or presented during proceedings of the review team. A person who presented information before the systemic critical incident review team or who is a member of the team shall not be prevented from testifying about matters within the person's knowledge. In a civil or criminal proceeding, a person shall not be questioned about opinions formed by the person as a result of the review.

The proceedings and records of the review team are confidential data on individuals or protected nonpublic data as defined in section 13.02, subdivisions 3 and 13. Data that document a person's opinions formed as a result of the review are not subject to discovery or introduction into evidence in a civil or criminal action against a professional, the state, or a county agency arising out of the matters that the team is reviewing. Information, documents, and records otherwise available from other sources are not immune from discovery or use in a civil or criminal action solely because the information, documents, and records were assessed or presented during proceedings of the review team. A person who presented information before the systemic critical incident review team or who is a member of the team shall not be prevented from testifying about matters within the person's knowledge. In a civil or criminal proceeding, a person shall not be questioned about opinions formed by the person as a result of the review.

By October 1 of each year, the commissioner shall prepare an annual public report containing the following information:

The department may select cases for systemic critical incident review, under the jurisdiction of the commissioner, reported for suspected maltreatment and closed following initial or final disposition. The proceedings and records of the review team are confidential data on individuals or protected nonpublic data as defined in section 13.02, subdivisions 3 and 13. Data that document a person's opinions formed as a result of the review are not subject to discovery or introduction into evidence in a civil or criminal action against a professional, the state, or a county agency arising out of the matters that the team is reviewing. Information, documents, and records otherwise available from other sources are not immune from discovery or use in a civil or criminal action solely because the information, documents, and records were assessed or presented during proceedings of the review team. A person who presented information before the systemic critical incident review team or who is a member of the team shall not be prevented from testifying about matters within the person's knowledge. In a civil or criminal proceeding, a person shall not be questioned about opinions formed by the person as a result of the review.

By October 1 of each year, the commissioner shall prepare an annual public report containing the following information:

The proceedings and records of the review team are confidential data on individuals or protected nonpublic data as defined in section 13.02, subdivisions 3 and 13. Data that document a person's opinions formed as a result of the review are not subject to discovery or introduction into evidence in a civil or criminal action against a professional, the state, or a county agency arising out of the matters that the team is reviewing. Information, documents, and records otherwise available from other sources are not immune from discovery or use in a civil or criminal action solely because the information, documents, and records were assessed or presented during proceedings of the review team. A person who presented information before the systemic critical incident review team or who is a member of the team shall not be prevented from testifying about matters within the person's knowledge. In a civil or criminal proceeding, a person shall not be questioned about opinions formed by the person as a result of the review.

By October 1 of each year, the commissioner shall prepare an annual public report containing the following information:

The proceedings and records of the review team are confidential data on individuals or protected nonpublic data as defined in section 13.02, subdivisions 3 and 13. Data that document a person's opinions formed as a result of the review are not subject to discovery or introduction into evidence in a civil or criminal action against a professional, the state, or a county agency arising out of the matters that the team is reviewing. Information, documents, and records otherwise available from other sources are not immune from discovery or use in a civil or criminal action solely because the information, documents, and records were assessed or presented during proceedings of the review team. A person who presented information before the systemic critical incident review team or who is a member of the team shall not be prevented from testifying about matters within the person's knowledge. In a civil or criminal proceeding, a person shall not be questioned about opinions formed by the person as a result of the review.

By October 1 of each year, the commissioner shall prepare an annual public report containing the following information:

The proceedings and records of the review team are confidential data on individuals or protected nonpublic data as defined in section 13.02, subdivisions 3 and 13. Data that document a person's opinions formed as a result of the review are not subject to discovery or introduction into evidence in a civil or criminal action against a professional, the state, or a county agency arising out of the matters that the team is reviewing. Information, documents, and records otherwise available from other sources are not immune from discovery or use in a civil or criminal action solely because the information, documents, and records were assessed or presented during proceedings of the review team. A person who presented information before the systemic critical incident review team or who is a member of the team shall not be prevented from testifying about matters within the person's knowledge. In a civil or criminal proceeding, a person shall not be questioned about opinions formed by the person as a result of the review.

By October 1 of each year, the commissioner shall prepare an annual public report containing the following information:

The proceedings and records of the review team are confidential data on individuals or protected nonpublic data as defined in section 13.02, subdivisions 3 and 13. Data that document a person's opinions formed as a result of the review are not subject to discovery or introduction into evidence in a civil or criminal action against a professional, the state, or a county agency arising out of the matters that the team is reviewing. Information, documents, and records otherwise available from other sources are not immune from discovery or use in a civil or criminal action solely because the information, documents, and records were assessed or presented during proceedings of the review team. A person who presented information before the systemic critical incident review team or who is a member of the team shall not be prevented from testifying about matters within the person's knowledge. In a civil or criminal proceeding, a person shall not be questioned about opinions formed by the person as a result of the review.

By October 1 of each year, the commissioner shall prepare an annual public report containing the following information:
the number of cases reviewed under each critical incident category identified in paragraph (b) and a geographical description of where cases under each category originated;

(2) an aggregate summary of the systemic themes from the critical incidents examined by the critical incident review team during the previous year;

(3) a synopsis of the conclusions, incident analyses, or exploratory activities taken in regard to the critical incidents examined by the critical incident review team; and

(4) recommendations made to the commissioner regarding systemic changes that could decrease the number and severity of critical incidents in the future or improve the quality of the home and community-based service system.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 2. Minnesota Statutes 2022, section 256N.26, subdivision 12, is amended to read:

Subd. 12. Treatment of Supplemental Security Income. (a) If a child placed in foster care receives benefits through Supplemental Security Income (SSI) at the time of foster care placement or subsequent to placement in foster care, the financially responsible agency may apply to be the payee for the child for the duration of the child's placement in foster care. If a child continues to be eligible for SSI after finalization of the adoption or transfer of permanent legal and physical custody and is determined to be eligible for a payment from both programs simultaneously. The permanent caregiver is responsible to report the amount of the payment to the Social Security Administration and the SSI payment will be reduced as required by the Social Security Administration.

(b) If a financially responsible agency applies to be the payee for a child who receives benefits through SSI, or receives the benefits under this subdivision on behalf of a child, the financially responsible agency must provide written notice by certified mail, return receipt requested to:

(1) the child, if the child is 13 years of age or older;

(2) the child's parent, guardian, or custodian or if there is no legal parent or custodian of the child's relative selected by the agency;

(3) the guardian ad litem;

(4) the legally responsible agency; and

(5) the counsel appointed for the child pursuant to section 260C.163, subdivision 3.

(c) If a financially responsible agency receives benefits under this subdivision on behalf of a child 13 years of age or older, the legally responsible agency and the guardian ad litem must disclose this information to the child in person in a manner that best helps the child.
understand the information. This paragraph does not apply in circumstances where the child is living outside of Minnesota.

(d) If a financially responsible agency receives the benefits under this subdivision on behalf of a child, it cannot use those funds for any other purpose than the care of that child.

The financially responsible agency must not commingle any benefits received under this subdivision and must not put the benefits received on behalf of a child under this subdivision into a general fund.

(e) If a financially responsible agency receives any benefits under this subdivision, it must keep a record of:

(1) the total dollar amount it received on behalf of all children it receives benefits for;

(2) the total number of children it applied to be a payee for; and

(3) the total number of children it received benefits for.

(f) By January 1 of each year, each financially responsible agency must submit a report to the commissioner of human services that includes the information required under paragraph (e).

7. Sec. 3. Minnesota Statutes 2022, section 256N.26, subdivision 13, is amended to read:

Subd. 13. Treatment of retirement survivor's disability insurance, veteran's benefits, railroad retirement benefits, and black lung benefits. (a) If a child placed in foster care receives retirement survivor's disability insurance, veteran's benefits, railroad retirement benefits, or black lung benefits at the time of foster care placement or subsequent to placement in foster care, the financially responsible agency may apply to be the payee for the child for the duration of the child's placement in foster care. If it is anticipated that a child will be eligible to receive retirement survivor's disability insurance, veteran's benefits, railroad retirement benefits, or black lung benefits after finalization of the adoption or assignment of permanent legal and physical custody, the permanent caregiver shall apply to be the payee of those benefits on the child's behalf.

(b) If the financially responsible agency applies to be the payee for a child who receives retirement survivor's disability insurance, veteran's benefits, railroad retirement benefits, or black lung benefits, or receives the benefits under this subdivision on behalf of a child, the financially responsible agency must provide written notice by certified mail, return receipt requested to:

(1) the child, if the child is 13 years of age or older;
6.7  (2) the child’s next of kin;
6.8  (3) the guardian ad litem;
6.9  (4) the legally responsible agency; and
6.10 (5) the counsel appointed for the child pursuant to section 260C.163, subdivision 3.
6.11 (c) If a financially responsible agency receives benefits under this subdivision on behalf
6.12 of a child 13 years of age or older, it must disclose this information to the child in person in a manner that best helps the child
6.13 understand the information. This paragraph does not apply in circumstances where the child
6.14 is living outside of Minnesota.
6.15 (d) If a financially responsible agency receives the benefits under this subdivision on
6.16 behalf of a child, it cannot use those funds for any other purpose than the care of that child.
6.17 The financially responsible agency must not commingle any benefits received under this
6.18 subdivision and must not put the benefits received on behalf of a child under this subdivision
6.19 into a general fund.
6.20 (e) If a financially responsible agency receives any benefits under this subdivision, it
6.21 must keep a record of:
6.22 (1) the total dollar amount it received on behalf of all children it receives benefits for;
6.23 (2) the total number of children it applied to be a payee for; and
6.24 (3) the total number of children it received benefits for;
6.25 (f) By January 1 of each year, each financially responsible agency must submit a report
6.26 to the commissioner of human services that includes the information required under paragraph
6.27 (e).
6.28 Subd. 5. Carryforward authority. Funds appropriated under this section are available
6.29 for two fiscal years.
6.30 Subd. 3. Notice. (a) If the county of financial responsibility under section 256G.02 or
6.31 Tribal agency authorized under section 256.01, subdivision 14b, receives any benefits under
6.32 Sec. 5. Minnesota Statutes 2022, section 260C.4411, is amended by adding a subdivision
6.33 to read:
6.34 Subd. 3. Notice. (a) If the county of financial responsibility under section 256G.02 or
6.35 Tribal agency authorized under section 256.01, subdivision 14b, receives any benefits under
Sec. 6. [260E.021] CHILD PROTECTION ADVISORY COUNCIL.

Subdivision 1. Membership. The Child Protection Advisory Council consists of 24 members, appointed as follows:

Subdivision 2. On behalf of a child, it must provide written notice by certified mail, return receipt requested to:

1. The child, if the child is 13 years of age or older;
2. The child's parent, guardian, or custodian or if there is no legal parent or custodian, the child's relative selected by the agency;
3. The guardian ad litem;
4. The legally responsible agency as defined in section 256N.02, subdivision 14, and the counsel appointed for the child pursuant to section 260C.163, subdivision 3.

Subdivision 3. If the county of financial responsibility under subsection 3, the agency must not commingle any benefits received under subdivision 2 on behalf of a child or the benefits received on behalf of a child under subdivision 2 into a general fund.

Subdivision 4. If the county of financial responsibility under section 256G.02 or Tribal agency receives the benefits under subdivision 2 on behalf of a child, it cannot use those funds for any other purpose than the care of that child.

Subdivision 5. If the county of financial responsibility or Tribal agency must not commingle any benefits received under subdivision 2 and must not put the benefits received on behalf of a child under subdivision 2 into a general fund.

Subdivision 6. If the county of financial responsibility under section 256G.02 or Tribal agency receives the benefits under subdivision 2, it must keep a record of the total dollar amount it received on behalf of all children it receives benefits for and the total number of children it receives benefits for. By January 1 of each year, the county of financial responsibility and Tribal agency must submit a report to the commissioner of human services that includes the information required under this paragraph.

Sec. 15.11. SUPREME COURT COUNCIL ON CHILD PROTECTION.

Subdivision 1. Establishment. The chief justice of the supreme court is invited to establish a Supreme Court Council on Child Protection as part of Minnesota's Court Improvement Program, the Children's Justice Initiative, authorized under Public Law 110-246, Division CC, title III, section 305, of the Consolidated Appropriations Act of 2021, to develop a comprehensive blueprint to improve Minnesota's child protection system.

Subd. 2. Membership. The council must consist of the following members:

railroad retirement benefits; or black lung benefits on behalf of a child, it must provide written notice by certified mail, return receipt requested to:

1. The child, if the child is 13 years of age or older;
2. The child's next of kin;
3. The guardian ad litem;
4. The legally responsible agency as defined in section 256N.02, if different than the responsible social services agency; and
5. The counsel appointed for the child pursuant to section 260C.163, subdivision 3.

Subd. 3. If the county of financial responsibility under section 256G.02 or Tribal agency receives benefits under this subdivision on behalf of a child 13 years of age or older, the legally responsible agency as defined in section 256N.02, subdivision 14, and the guardian ad litem must disclose this information to the child in person in a manner that best helps the child understand the information. This paragraph does not apply in circumstances where the child is living outside of Minnesota.

Subd. 4. If the county of financial responsibility under section 256G.02 or Tribal agency receives benefits under this subdivision on behalf of a child, it cannot use those funds for any other purpose than the care of that child. The responsible social services agency must not commingle any benefits received under this subdivision and must not put the benefits received on behalf of a child into a general fund.

Subd. 5. If the county of financial responsibility under section 256G.02 or Tribal agency receives any benefits listed under this subdivision, it must keep a record of the total dollar amount it received on behalf of all children it receives benefits for and the total number of children it receives benefits for. By July 1, 2022, and each July 1 thereafter, the responsible social services agency must submit a report to the commissioner that includes the information required under this paragraph.

Subd. 6. If the county of financial responsibility or Tribal agency receives the benefits under subdivision 3, the agency must submit a report to the commissioner that includes the information required under this paragraph.

Subd. 7. If the county of financial responsibility or Tribal agency receives benefits under this subdivision, it must forecast the total dollar amount it received on behalf of all children it receives benefits for and the total number of children it receives benefits for. By July 1, 2022, and each July 1 thereafter, the responsible social services agency must submit a report to the commissioner that includes the information required under this paragraph.

Subd. 8. If the county of financial responsibility or Tribal agency receives the benefits under subdivision 3, it must keep a record of the total dollar amount it received on behalf of all children it receives benefits for and the total number of children it receives benefits for. By January 1 of each year, the county of financial responsibility and Tribal agency must submit a report to the commissioner that includes the information required under this paragraph.

Subd. 9. If the county of financial responsibility or Tribal agency receives any benefits listed under this subdivision, it must keep a record of the total dollar amount it received on behalf of all children it receives benefits for and the total number of children it receives benefits for. By July 1, 2022, and each July 1 thereafter, the responsible social services agency must submit a report to the commissioner that includes the information required under this paragraph.

Subd. 10. If the county of financial responsibility or Tribal agency receives benefits under this subdivision, it must forecast the total dollar amount it received on behalf of all children it receives benefits for and the total number of children it receives benefits for. By January 1 of each year, the county of financial responsibility and Tribal agency must submit a report to the commissioner that includes the information required under this paragraph.

Subd. 11. If the county of financial responsibility or Tribal agency receives any benefits listed under this subdivision, it must keep a record of the total dollar amount it received on behalf of all children it receives benefits for and the total number of children it receives benefits for. By July 1, 2022, and each July 1 thereafter, the responsible social services agency must submit a report to the commissioner that includes the information required under this paragraph.

Subd. 12. If the county of financial responsibility or Tribal agency receives benefits under this subdivision, it must forecast the total dollar amount it received on behalf of all children it receives benefits for and the total number of children it receives benefits for. By January 1 of each year, the county of financial responsibility and Tribal agency must submit a report to the commissioner that includes the information required under this paragraph.
(1) the commissioner of human services or a designee;
(2) the commissioner of children, youth, and families or a designee;
(3) the ombudsperson for foster youth or a designee;
(4) two members of the house of representatives, one appointed by the speaker of the house and one appointed by the minority leader of the house of representatives;
(5) two members of the senate, one appointed by the senate majority leader and one appointed by the senate minority leader;
(6) a representative from the Association of Minnesota Counties appointed by the association;
(7) two members representing county social services agencies appointed by the Minnesota Association of County Social Service Administrators, one from a county outside the seven-county metropolitan area and one from a county within the seven-county metropolitan area;
(8) one member with experience working and advocating for children with disabilities in the child welfare system, appointed by the Minnesota Council on Disability;
(9) two members appointed by Indian Child Welfare Advisory Council, one from a county outside the seven-county metropolitan area and one from a county within the seven-county metropolitan area;
(10) one member appointed by the ombudsperson of American Indian Families;

(1) the chief justice of the supreme court or a designee;
(2) the commissioner of children, youth, and families or a designee;
(3) two members of the house of representatives, one appointed by the speaker of the house and one appointed by the house minority leader;
(4) two members of the senate, one appointed by the senate majority leader and one appointed by the senate minority leader;
(5) members representing Indian Tribes, including Tribal courts, appointed by the executive board of the Minnesota Indian Affairs Council;
(6) professionals, including law enforcement officers, with substantial experience responding to reports of child maltreatment, appointed by the chief justice of the supreme court;
(7) professionals with experience providing child protective services, foster care, adoption services, and postpermanency services, appointed by the chief justice of the supreme court;
(8) legal professionals and guardians ad litem with significant experience in juvenile protection matters, appointed by the chief justice of the supreme court;
(9) educational professionals, including professionals with experience in early childhood education and providing educational services to children with disabilities, appointed by the chief justice of the supreme court;
16.6 (10) professionals from nonprofit community organizations with experience providing
services and supports to children, parents, and relatives involved in child maltreatment and
juvenile protection matters, appointed by the chief justice of the supreme court;

16.7 (11) one member appointed by the Children's Alliance;

16.8 (12) three members appointed by the ombudsperson for families;

16.9 (13) two members from the Children's Justice Task Force, one with experience as an
attorney or judge working in the child welfare system and one with experience as a peace
officer working in the child welfare system; and

16.10 (14) four members of the public appointed by the governor, including:

(i) one member 18 years of age or older who has lived experience with the child welfare
system;

(ii) one member 18 years of age or older who has lived experience with the child welfare
system as a parent or caregiver;

(iii) one member who is an advocate who has experience working within the child welfare
system and who has experience working with members of the LGBTQ+ community or
persons who are Black, Indigenous, or people of color; and

(iv) one member with experience working as a pediatrician or nurse specializing in child
abuse;

Subd. 2. Council administration. (a) For members appointed under subdivision 1,

clauses (6) to (14), section 15.059, subdivisions 1 to 4, apply;

(b) The commissioner of administration shall provide the advisory council with staff
support, office space, and access to office equipment and services.
Subd. 3. **Organization and administration.** (a) The council is governed by Minnesota Statutes, section 15.059, except that subdivision 6 does not apply. The state court administrator must provide the council with staff support, office and meeting space, and access to office equipment and services.

(b) Council members serve at the pleasure of the appointing authority. The chief justice of the supreme court must select a chair from among the members. The council may select other officers, subcommittees, and work groups as it deems necessary.

Subd. 4. **Meetings.** (a) The council must meet at the call of the chair.

(b) Meetings of the advisory council are subject to the Minnesota Open Meeting Law under chapter 13D.

Subd. 4. **Chairperson.** (a) The advisory council must elect a chairperson from among the members of the executive committee and other officers as it deems necessary and in accordance with the advisory council’s operating procedures.

(b) The advisory council is governed by an executive committee elected by the members of the advisory council.

(c) The advisory council may appoint an executive director. The advisory council may delegate to the executive director any powers and duties under this section that do not require advisory council approval. The executive director serves in the unclassified service and may be removed at any time by a majority vote of the advisory council. The executive director may employ and direct staff necessary to carry out advisory council mandates, policies, activities, and objectives.

(d) The executive committee may appoint additional subcommittees and work groups as necessary to fulfill the duties of the advisory council.

Subd. 5. **Duties.** (a) The advisory council must:

1. review annual reports prepared by the child mortality review panel under section 260E.39;
2. review child welfare data provided by the Department of Human Services and counties;
3. review and provide guidance on the Family First Prevention Services Act implementation; and
4. reviewing policies, laws, practices, latest research, and data related to children in the child protection system;
5. gathering information through surveys or focus groups, including consultation with individuals who have lived experience with the child protection system; and
6. making recommendations for changes in policies and law that are designed to improve outcomes for children in the child protection system or at risk of maltreatment.
work with the commissioner of human services to evaluate child protection grants
to address disparities in child welfare pursuant to section 256E.28.
(b) The advisory council may collect additional topic areas for study and evaluation
from the public. For the advisory council to study and evaluate a topic, the topic must be
approved for study and evaluation by the advisory council.
(c) Legislative members may not deliberate about or vote on decisions related to the
issuance of grants of state money.

Subd. 1. Report. By January 1, 2025, and annually thereafter, the advisory council must
submit a report to the chairs and ranking minority members of the legislative committees
with jurisdiction over child protection and child welfare. The report shall cover:
(a) the advisory council’s activities
under subdivision 3 and other issues on which the advisory council may choose to report.
Subd. 2. Definitions. (a) "Critical incident" means a child fatality or near fatality in which maltreatment was
a known or suspected contributing cause;
(b) "Joint review" means the critical incident review conducted by the child mortality
review panel jointly with the local review team under subdivision 4, paragraph (b);
(c) "Local review" means the local critical incident review conducted by the local review
team under subdivision 4, paragraph (c);
(d) "Local review team" means a local child mortality review team established under
subdivision 2;
(e) "Panel" means the child mortality review panel established under subdivision 3.
Subd. 2. Local child mortality review teams. (a) Each county shall establish a
multidisciplinary local child mortality review team and shall participate in local critical
incident reviews that are based on safety science principles to support a culture of learning.
The local welfare agency’s child protection team may serve as the local review team. The
local review team shall include but not be limited to professionals with knowledge of the
critical incident being reviewed.
Subd. 6. Reports. By January 15, 2025, the Supreme Court Council on Child Protection
must submit a progress report on the council’s duties under subdivision 5 to the governor,
the chief justice of the supreme court, and the chairs and ranking minority members of the
legislative committees with jurisdiction over child protection. By January 15, 2026, the
council must submit its final report to the governor, the chief justice of the supreme court,
and the chairs and ranking minority members of the legislative committees with jurisdiction
over child protection, detailing the comprehensive blueprint developed under subdivision
5.
Subd. 7. Expiration. The Supreme Court Council on Child Protection expires upon the
submission of its final report under subdivision 6.
Sec. 7. [260E.39] CHILD FATALITY AND NEAR FATALITY REVIEW.
Subdivision 1. Definitions. (a) "Critical incident" means a child fatality or near fatality in which maltreatment was
a known or suspected contributing cause;
(b) "Joint review" means the critical incident review conducted by the child mortality
review panel jointly with the local review team under subdivision 4, paragraph (b);
(c) "Local review" means the local critical incident review conducted by the local review
team under subdivision 4, paragraph (c);
(d) "Local review team" means a local child mortality review team established under
subdivision 2;
(e) "Panel" means the child mortality review panel established under subdivision 3.
Subd. 2. Local child mortality review teams. (a) Each county shall establish a
multidisciplinary local child mortality review team and shall participate in local critical
incident reviews that are based on safety science principles to support a culture of learning.
The local welfare agency’s child protection team may serve as the local review team. The
local review team shall include but not be limited to professionals with knowledge of the
critical incident being reviewed and, if the critical incident being reviewed involved an

(b) The local review team shall conduct reviews of critical incidents jointly with the
child mortality review panel or as otherwise required under subdivision 4, paragraph (c).

Subd. 3. Child mortality review panel; establishment and membership.
(a) The
commissioner shall establish a child mortality review panel to review critical incidents
attributed to child maltreatment. The purpose of the panel is to identify systemic changes
to improve child safety and well-being and recommend modifications in statutes, rules,
policies, and procedures.

(b) The panel shall consist of:
(1) the commissioner of children, youth, and families or a designee;
(2) the commissioner of human services or a designee;
(3) the commissioner of health or a designee;
(4) the commissioner of education or a designee;
(5) the superintendent of the Bureau of Criminal Apprehension, or a designee;
(6) a judge appointed by the Minnesota judicial branch; and
(7) other members appointed by the governor, including but not limited to:
   (i) a physician who is a medical examiner;
   (ii) a physician who is a child abuse specialist pediatrician;
   (iii) a county attorney who works on child protection cases;
   (iv) two current child protection supervisors for local welfare agencies, each of whom
   has previous experience as a frontline child protection worker;
   (v) a current local welfare agency director who has previous experience as a frontline
   child protection worker or supervisor;
   (vi) two current child protection supervisors or directors for Tribal child welfare agencies,
each of whom has previous experience as a frontline child protection worker or supervisor;
   (vii) a county public health worker; and
   (viii) a member representing law enforcement.
(c) The governor shall designate one member as chair of the panel from the members
listed in paragraph (b), clauses (5) and (6).

(b) The local review team shall conduct reviews of critical incidents jointly with the
child mortality review panel or as otherwise required under subdivision 4, paragraph (c).

Subd. 3. Child mortality review panel; establishment and membership.
(a) The
commissioner shall establish a child mortality review panel to review critical incidents
attributed to child maltreatment. The purpose of the panel is to identify systemic changes
to improve child safety and well-being and recommend modifications in statute, rule, policy,
and procedure.

(b) The panel shall consist of:
(1) the commissioner of children, youth, and families or a designee;
(2) the commissioner of human services or a designee;
(3) the commissioner of health or a designee;
(4) the commissioner of education or a designee;
(5) a judge appointed by the Minnesota judicial branch; and
(6) other members appointed by the governor, including but not limited to:
   (i) a physician who is a medical examiner;
   (ii) a physician who is a child abuse specialist pediatrician;
   (iii) a county attorney who works on child protection cases;
   (iv) two current child protection supervisors for local welfare agencies, each of whom
   has previous experience as a frontline child protection worker;
   (v) a current local welfare agency director who has previous experience as a frontline
   child protection worker or supervisor;
   (vi) two current child protection supervisors or directors for Tribal child welfare agencies,
each of whom has previous experience as a frontline child protection worker or supervisor;
   (vii) a county public health worker; and
   (viii) a member representing law enforcement.
(c) The governor shall designate one member as chair of the panel from the members
listed in paragraph (b), clauses (5) and (6).
(d) Members of the panel shall serve terms of four years for an unlimited number of terms. A member of the panel may be removed by the appointing authority for the member.

(e) The commissioner shall employ an executive director for the panel to provide administrative support to the panel and the chair, including providing the panel with critical incident notices submitted by local welfare agencies; compile and synthesize information for the panel; draft recommendations and reports for the panel's final approval; and conduct or otherwise direct training and consultation under subdivision 7.

Subd. 4. Critical incident review process. (a) A local welfare agency that has determined that maltreatment was the cause of or a contributing factor in a critical incident must notify the commissioner of children, youth, and families and the executive director of the panel within three business days of making the determination.

(b) The panel shall conduct a joint review with the local review team for:

(1) any critical incident relating to a family, child, or caregiver involved in a local welfare agency family assessment or investigation within the 12 months preceding the critical incident;

(2) a critical incident the governor or commissioner directs the panel to review; and

(c) The local review team must review all critical incident cases not subject to joint review under paragraph (b).

(d) Within 120 days of initiating a joint review or local review of a critical incident, except as provided under paragraph (b), the panel or local review team shall complete the joint review or local review and compile a report. The report must include any systemic learnings that may increase child safety and well-being, and may include policy or practice considerations for systems changes that may improve child well-being and safety.

(e) A local review team must provide its report following a local review to the panel within three business days after the report is complete. After receiving the local review team report, the panel may conduct a further joint review.
(f) Following the panel's joint review or after receiving a local review team report, the
panel may make recommendations to any state or local agency, branch of government, or
system partner to improve child safety and well-being.

(g) The commissioner shall conduct additional information gathering as requested by
the panel or the local review team. The commissioner must conduct information gathering
for all cases for which the panel requests assistance. The commissioner shall compile a
summary report for each critical incident for which information gathering is conducted and
provide the report to the panel and the local welfare agency that reported the critical incident.

(h) If the panel or local review team requests information gathering from the
commissioner, the panel or local review team may conduct the joint review or local review
and compile the report under paragraph (d) after receiving the commissioner's summary
information gathering report. The timeline for a local or joint review under paragraph (d)
may be extended if the panel or local review team requests additional information gathering
to complete their review. If the local review team extends the timeline for its review and
report, the local welfare agency must notify the executive director of the panel of the
extension and the expected completion date.

(i) The review of any critical incident shall proceed as specified in this section, regardless
of the status of any pending litigation or other active investigation.

Subd. 5. Critical incident reviews; data practices and immunity. (a) In conducting
reviews, the panel, the local review team, and the commissioner shall have access to not
public data under chapter 13 maintained by state agencies, statewide systems, or political
subdivisions that are related to the child's critical incident or circumstances surrounding the
care of the child. The panel, the local review team, and the commissioner shall also have
access to records of private hospitals as necessary to carry out the duties prescribed by this
section. A state agency, statewide system, or political subdivision shall provide the data
upon request from the commissioner. Not public data may be shared with members of the
panel, a local review team, or the commissioner in connection with an individual case.

(b) Notwithstanding the data's classification in the possession of any other agency, data
acquired by a local review team, the panel, or the commissioner in the exercise of their
duties are protected nonpublic or confidential data as defined in section 13.02 but may be
disclosed as necessary to carry out the duties of the review team, panel, or commissioner.

(c) The commissioner shall disclose information regarding a critical incident upon request
but shall not disclose data that was classified as confidential or private data on decedents
under section 13.10 or private, confidential, or protected nonpublic data in the disseminating
agency, except that the commissioner may disclose local social service agency data as
provided in section 260F.35 on individual cases involving a critical incident with a person
served by the local social service agency prior to the date of the critical incident.

(f) Following the panel's joint review or after receiving a local review team report, the
panel may make recommendations to any state or local agency, branch of government, or
system partner to improve child safety and well-being.

(g) The commissioner shall conduct additional information gathering as requested by
the panel or the local review team. The commissioner must conduct information gathering
for all cases for which the panel requests assistance. The commissioner shall compile a
summary report for each critical incident for which information gathering is conducted and
provide the report to the panel and the local welfare agency that reported the critical incident.

(h) If the panel or local review team requests information gathering from the
commissioner, the panel or local review team may conduct the joint review or local review
and compile the report under paragraph (d) after receiving the commissioner's summary
information gathering report. The timeline for a local or joint review under paragraph (d)
may be extended if the panel or local review team requests additional information gathering
to complete their review. If the local review team extends the timeline for its review and
report, the local welfare agency must notify the executive director of the panel of the
extension and the expected completion date.

(i) The review of any critical incident shall proceed as specified in this section, regardless
of the status of any pending litigation or other active investigation.

Subd. 5. Critical incident reviews; data practices and immunity. (a) In conducting
reviews, the panel, the local review team, and the commissioner shall have access to not
public data under chapter 13 maintained by state agencies, statewide systems, or political
subdivisions that are related to the child's critical incident or circumstances surrounding the
care of the child. The panel, the local review team, and the commissioner shall also have
access to records of private hospitals as necessary to carry out the duties prescribed by this
section. A state agency, statewide system, or political subdivision shall provide the data
upon request from the commissioner. Not public data may be shared with members of the
panel, a local review team, or the commissioner in connection with an individual case.

(b) Notwithstanding the data's classification in the possession of any other agency, data
acquired by a local review team, the panel, or the commissioner in the exercise of their
duties are protected nonpublic or confidential data as defined in section 13.02 but may be
disclosed as necessary to carry out the duties of the review team, panel, or commissioner.

(c) The commissioner shall disclose information regarding a critical incident upon request
but shall not disclose data that was classified as confidential or private data on decedents
under section 13.10 or private, confidential, or protected nonpublic data in the disseminating
agency, except that the commissioner may disclose local social service agency data as
provided in section 260F.35 on individual cases involving a critical incident with a person
served by the local social service agency prior to the date of the critical incident.
(d) A person attending a local review team or child mortality review panel meeting shall not disclose what transpired at the meeting except to carry out the purposes of the local review team or panel. The commissioner shall not disclose what transpired during the information/gathering process except to carry out the duties of the commissioner. The proceedings and records of the local review team, the panel, and the commissioner are protected nonpublic data as defined in section 13.02, subdivision 13, and are not subject to discovery or introduction into evidence in a civil or criminal action. Information, documents, and records otherwise available from other sources are not immune from discovery or use in a civil or criminal action solely because they were presented during proceedings of the local review team, the panel, or the commissioner.

(e) A person who presented information before the local review team, the panel, or the commissioner or who is a member of the local review team or panel, or an employee conducting information gathering as designated by the commissioner, shall not be prevented from testifying about matters within the person's knowledge. However, in a civil or criminal proceeding, a person may not be questioned about the person's presentation of information to the local review team, the panel, or the commissioner, or about the information reviewed or discussed during a critical incident review or the information/gathering process, any conclusions drawn or recommendations made related to information gathering or a critical incident review, or opinions formed by the person as a result of the panel or review team meetings.

(f) A person who presented information before the local review team, the panel, or the commissioner, who is a member of the local review team or the panel, or an employee conducting information gathering as designated by the commissioner, is immune from any civil or criminal liability that might otherwise result from the person's presentation or statements if the person was acting in good faith and assisting with information gathering or in a critical incident review under this section.

Subd. 6. Child mortality review panel; annual report. Beginning December 15, 2026, and on or before December 15 annually thereafter, the commissioner shall publish a report of the child mortality review panel. The report shall include but not be limited to de-identified summary data on the number of critical incidents reported to the panel, the number of critical incidents reviewed by the panel and local review teams, and systemic learnings identified by the panel or local review teams during the period covered by the report. The report shall also include recommendations on improving the child protection system, including modifications to statutes, rules, policies, and procedures. The panel may make recommendations to the legislature or any state or local agency at any time, outside of the annual report.

Subd. 7. Local welfare agency critical incident review training. The commissioner shall provide training and support to local review teams and the panel conducting local or joint reviews pursuant to this section, to local review teams and the panel conducting local or joint reviews pursuant to this section.
Subd. 8. Culture of learning and improvement. The local review teams and panel shall advance and support a culture of learning and improvement within Minnesota's child welfare system. 

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 7. Minnesota Statutes 2023 Supplement, section 518A.42, subdivision 3, is amended to read:

Subd. 3. Exception. (a) This section does not apply to an obligor who is incarcerated or is a recipient of a general assistance grant, Supplemental Security Income, temporary assistance for needy families (TANF) grant, or comparable state-funded Minnesota family investment program (MFIP) benefits.

(b) The minimum basic support amount under subdivision 2 does not apply to an obligor who is a recipient of:

1. a general assistance grant;
2. Supplemental Security Income;
3. a Temporary Assistance for Needy Families (TANF) grant; or
4. comparable state-funded Minnesota family investment program (MFIP) benefits.

(c) If the court finds the obligor receives no income and completely lacks the ability to earn income, the minimum basic support amount under subdivision 2 does not apply.

(d) If the obligor’s basic support amount is reduced below the minimum basic support amount due to the application of the parenting expense adjustment, the minimum basic support amount under subdivision 2 does not apply and the lesser amount is the guideline basic support.

Sec. 8. Laws 2023, chapter 70, article 14, subdivision 6, is amended to read:

Subd. 6. Community Resource Center Advisory Council; establishment and duties. (a) The commissioner, in consultation with other relevant state agencies, shall appoint members to the Community Resource Center Advisory Council;

(b) Membership must be demographically and geographically diverse and include:

1. parents and family members with lived experience who lack opportunities;
2. community-based organizations serving families who lack opportunities;
3. Tribal and urban American Indian representatives;
4. county government representatives;
Duties of the Community Resource Center Advisory Council include but are not limited to:

1. Advising the commissioner on the development and funding of a network of community resource centers;
2. Advising the commissioner on the development of requests for proposals and grant award processes;
3. Advising the commissioner on the development of program outcomes and accountability measures; and
4. Advising the commissioner on ongoing governance and necessary support in the implementation of community resource centers.

Compensation for members of the Community Resource Center Advisory Council is governed by Minnesota Statutes, section 15.0575, except that a public member may be compensated at the rate of up to $125 per day.

A vacancy on the council may be filled by the appointing authority for the remainder of the unexpired term.

Subdivision 1. Initial appointments. Appointing authorities for the Child Protection Advisory Council under Minnesota Statutes, section 260E.021, must appoint members to the council by September 30, 2024.

Subd. 2. Terms. Members appointed under Minnesota Statutes, section 260E.021, subdivision 1, clauses (7), (8), and (9), serve a term that is coterminous with the governor. Members appointed under Minnesota Statutes, section 260E.021, subdivision 1, clauses (10) and (12), serve a term that ends one year after the governor's term. Members appointed under Minnesota Statutes, section 260E.021, subdivision 1, clauses (6), (11), and (13), serve a term that ends two years after the governor's term. Members appointed under Minnesota Statutes, section 260E.021, subdivision 1, clause (14), serve a term that ends three years after the governor's term.

Subd. 3. Chair; first meeting. The commissioner of children, youth, and families or the commissioner's designee will serve as chair until the council elects a chair. The commissioner must convene the first meeting of the council by October 31, 2024. The council must elect its executive committee and its chair at its first meeting.

Subd. 4. Expiration. This section expires June 30, 2027.
Sec. 11. DIRECTION TO COMMISSIONER: CHILD MALTREATMENT REPORTING SYSTEMS REVIEW AND RECOMMENDATIONS.

The commissioner of children, youth, and families must review current child maltreatment reporting processes and systems in various states and evaluate the costs and benefits of each reviewed state's system. In consultation with stakeholders, including but not limited to counties, Tribes, and organizations with expertise in child maltreatment prevention and child protection, the commissioner must develop recommendations on implementing a statewide child abuse and neglect reporting system in Minnesota and outlining the benefits, challenges, and costs of such a transition. By June 1, 2025, the commissioner must submit a report detailing the commissioner's recommendations to the chairs and ranking minority members of the legislative committees with jurisdiction over child protection. The commissioner must also publish the report on the department's website.

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

Sec. 13. PREVENTING NONRELATIVE FOSTER CARE PLACEMENT GRANTS.

(a) The commissioner of children, youth, and families shall award grants to eligible community-based nonprofit organizations to provide culturally competent support to relative caregivers who are caring for relative children and connection to local and statewide resources.

(b) Grant funds must be used to serve relative caregivers for children from communities that are disproportionately overrepresented in the child welfare system, as determined by the commissioner, based on available data. Grant funds may be used to assess relative caregiver and child needs; provide connection to local and statewide culturally competent...
resources; provide culturally competent case management to assist with complex cases; and
provide culturally competent supports to reduce the need for child welfare involvement or
risk of child welfare involvement and increase family stability by preventing nonrelative
foster care placement.

(b) For purposes of this section, "relative" has the meaning given in Minnesota Statutes,
section 260C.007, subdivision 27.

Subdivision 1. Child welfare fiscal analysis. The commissioner of human services must
contract with a third-party consultant selected according to subdivision 2.

Subd. 2. Fiscal analysis consultant selection. The commissioner, in consultation with
the Association of Minnesota Counties, the Minnesota Indian Affairs Council, community
nonprofits, community providers, and other child welfare system stakeholders, must select
a third-party independent consultant to conduct the fiscal analysis required under this section.
The consultant must have expertise in and experience with child welfare systems and
conducting fiscal analyses.

Subd. 3. Child welfare fiscal analysis requirements. When conducting the child welfare
fiscal analysis under this section, the third-party consultant must evaluate:

(1) financial systems in Minnesota's child welfare system and funding sources available
to the child welfare system;

(2) state and local agency administrative resources necessary to effectively obtain;
manage, and distribute federal funds to counties and Tribal Nations;

(3) the state's access to and use of funding or reimbursements under federal Title IV-E
and Title IV-B, the federal Child Abuse Prevention and Treatment Act, TANF, Medicaid,
the federal Social Services Block Grant Program, and other federal funds for expenses
related to child welfare, including legal representation, training, and prevention services;
relevant information needed to secure available federal funds for the child welfare system; the implementation of the Family First Prevention Services Act and related claim processes; and federal Title IV-E attorney and training reimbursements in the state and all allowable Title IV-E administrative costs.

Subd. 4. Report on fiscal analysis. By June 30, 2026, the third-party consultant who conducted the child welfare fiscal analysis under this section must submit a final report to the commissioner of human services and the chairs and ranking minority members of the legislative committees with jurisdiction over the child welfare system. The final report must include the findings from the fiscal analysis required in this section. The report must also include recommendations on:

(1) whether Minnesota should increase state investment into the child welfare system;
(2) how to maximize the state's receipt of federal funding, including reimbursements;
(3) legislative proposals for any necessary statutory changes; and
(4) administrative and fiscal resources needed to implement necessary statutory changes.

Subd. 5. Tribal participation. Each of Minnesota's 11 federally recognized Tribal Nations may participate in the fiscal analysis required under this section. Tribal Nations that choose to participate have sovereignty over data they choose to share with the consultant, or other individuals or entities, and may request that their data not be included in any public documents.

Sec. 13. REPEALER.
(a) Minnesota Statutes 2022, section 256.01, subdivisions 12 and 12a, are repealed.
(b) Minnesota Rules, part 9560.0232, subpart 5, is repealed.
EFFECTIVE DATE. This section is effective July 1, 2025.