ARTICLE 14

DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

Section 1. [142A.045] CHILDREN, YOUTH, AND FAMILIES

INTERGOVERNMENTAL ADVISORY COMMITTEE.

(a) An intergovernmental advisory committee is established to provide advice, consultation, and recommendations to the commissioner on the planning, design, administration, funding, and evaluation of services to children, youth, and families.

Notwithstanding section 15.059, the commissioner, the Association of Minnesota Counties, and the Minnesota Association of County Social Services Administrators must codevelop and execute a process to administer the committee that ensures each county is represented.

The committee must meet at least quarterly and special meetings may be called by the committee chair or a majority of the members.

(b) Subject to section 15.059, the commissioner may reimburse committee members or their alternates for allowable expenses while engaged in their official duties as committee members.

(c) Notwithstanding section 15.059, the intergovernmental advisory committee does not expire.

Sec. 2. [142B.47] TRAINING ON RISK OF SUDDEN UNEXPECTED INFANT DEATH AND ABUSIVE HEAD TRAUMA FOR CHILD FOSTER CARE PROVIDERS.

(a) Licensed child foster care providers that care for infants or children through five years of age must document that before caregivers assist in the care of infants or children through five years of age, they are instructed on the standards in section 142B.46 and receive training on reducing the risk of sudden unexpected infant death and abusive head trauma from shaking infants and young children. This section does not apply to emergency relative placement under section 142B.06. The training on reducing the risk of sudden unexpected infant death and abusive head trauma may be provided as:

(1) orientation training to child foster care providers who care for infants or children through five years of age under Minnesota Rules, part 2960.3070, subpart 1; or

(2) in-service training to child foster care providers who care for infants or children through five years of age under Minnesota Rules, part 2960.3070, subpart 2.

(b) Training required under this section must be at least one hour in length and must be completed at least once every five years. At a minimum, the training must address the risk factors related to sudden unexpected infant death and abusive head trauma, means of reducing the risk of sudden unexpected infant death and abusive head trauma, and license holder

ARTICLE 5

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Notwithstanding section 15.059, the commissioner, the Association of Minnesota Counties, and the Minnesota Association of County Social Services Administrators must codevelop and execute a process to administer the committee that ensures each county is represented.

The committee must meet at least quarterly and special meetings may be called by the committee chair or a majority of the members.

(b) Subject to section 15.059, the commissioner may reimburse committee members or their alternates for allowable expenses while engaged in their official duties as committee members.

(c) Notwithstanding section 15.059, the intergovernmental advisory committee does not expire.
communication with parents regarding reducing the risk of sudden unexpected infant death and abusive head trauma.

(c) Training for child foster care providers must be approved by the county or private licensing agency that is responsible for monitoring the child foster care provider under section 142B.30. The approved training fulfills, in part, training required under Minnesota Rules, part 2960.3070.

Sec. 2. Minnesota Statutes 2022, section 245.975, subdivision 2, is amended to read:

Subd. 2. Duties.
(a) The ombudsperson's duties shall include:
(1) advocating on behalf of a family child care provider to address all areas of concern related to the provision of child care services, including licensing monitoring activities, licensing actions, and other interactions with state and county licensing staff;
(2) providing recommendations for family child care improvement or family child care provider education;
(3) operating a telephone line to answer questions, receive complaints, and discuss agency actions when a family child care provider believes that the provider's rights or program may have been adversely affected; and
(4) assisting a family child care license applicant with navigating the application process.
(b) The ombudsperson must report annually by December 31 to the commissioner of children, youth, and families and the chairs and ranking minority members of the legislative committees with jurisdiction over child care on the services provided by the ombudsperson to child care providers, including the number and locations of child care providers served and the activities of the ombudsperson in carrying out the duties under this section. The commissioner shall determine the form of the report and may specify additional reporting requirements.

Sec. 3. Minnesota Statutes 2022, section 245.975, subdivision 4, is amended to read:

Subd. 4. Access to records. (a) The ombudsperson or designee, excluding volunteers, has access to any data of a state agency necessary for the discharge of the ombudsperson's duties, including records classified as confidential data on individuals or private data on individuals under chapter 13 or any other law. The ombudsperson's data request must relate to a specific case and is subject to section 13.03, subdivision 4. If the data concerns an individual, the ombudsperson or designee shall first obtain the individual's consent. If the individual is unable to consent and has no parent or legal guardian, then the ombudsperson or designee's access to the data is authorized by this section.
(b) The ombudsperson and designees must adhere to the Minnesota Government Data Practices Act and must not disseminate any private or confidential data on individuals unless specifically authorized by state, local, or federal law or pursuant to a court order.

c) The commissioner of human services; the commissioner of children, youth, and families; and any county agency must provide the ombudsperson copies of all fix-it tickets, correction orders, and licensing actions issued to family child care providers.

Sec. 4. Minnesota Statutes 2022, section 245.975, subdivision 9, is amended to read:

Subd. 9. Posting. (a) The commissioner of children, youth, and families shall post on the department's website the mailing address, email address, and telephone number for the office of the ombudsperson. The commissioner shall provide family child care providers with the mailing address, email address, and telephone number of the ombudsperson's office on the family child care licensing website and upon request of a family child care applicant or provider. Counties must provide family child care applicants and providers with the name, mailing address, email address, and telephone number of the ombudsperson's office upon request.

(b) The ombudsperson must approve all postings and notices required by the department and counties under this subdivision.

Sec. 3. Minnesota Statutes 2022, section 245A.10, subdivision 1, as amended by Laws 2024, chapter 80, article 2, section 48, is amended to read:

Subdivision 1. Application or license fee required, programs exempt from fee. (a)

 Unless exempt under paragraph (b), the commissioner shall charge a fee for evaluation of applications and inspection of programs which are licensed under this chapter.

(b) Except as provided under subdivision 2, no application or license fee shall be charged for a child foster residence setting, adult foster care, or a community residential setting.

Sec. 4. Minnesota Statutes 2022, section 245A.10, subdivision 2, as amended by Laws 2024, chapter 80, article 2, section 49, is amended to read:

Subd. 2. County fees for applications and licensing inspections. (a) For purposes of adult foster care and child foster residence setting licensing and licensing the physical plant of a community residential setting, under this chapter, a county agency may charge a fee to a corporate applicant or corporate license holder to recover the actual cost of licensing inspections, not to exceed $500 annually.

(b) Counties may elect to reduce or waive the fees in paragraph (a) under the following circumstances:

(1) in cases of financial hardship;

(2) if the county has a shortage of providers in the county's area; or

(3) for new providers.
Sec. 5. Minnesota Statutes 2022, section 245A.144, is amended to read:

245A.144 TRAINING ON RISK OF SUDDEN UNEXPECTED INFANT DEATH AND ABUSIVE HEAD TRAUMA FOR CHILD FOSTER CARE PROVIDERS.

(a) Licensed child foster care providers that care for infants or children through five years of age must document that before staff persons and caregivers assist in the care of infants or children through five years of age, they are instructed on the standards in section 245A.1435 and receive training on reducing the risk of sudden unexpected infant death and abusive head trauma from shaking infants and young children. This section does not apply to emergency relative placement under section 245A.035. The training on reducing the risk of sudden unexpected infant death and abusive head trauma may be provided as:

(1) orientation training to child foster care providers, who care for infants or children through five years of age, under Minnesota Rules, part 2960.3070, subpart 1; or

(2) in-service training to child foster care providers, who care for infants or children through five years of age, under Minnesota Rules, part 2960.3070, subpart 2.

(b) Training required under this section must be at least one hour in length and must be completed at least once every five years. At a minimum, the training must address the risk factors related to sudden unexpected infant death and abusive head trauma, means of reducing the risk of sudden unexpected infant death and abusive head trauma, and license holder communication with parents regarding reducing the risk of sudden unexpected infant death and abusive head trauma;

(c) Training for child foster care providers must be approved by the county or private licensing agency that is responsible for monitoring the child foster care provider under section 245A.16. The approved training fulfills, in part, training required under Minnesota Rules, part 2960.3070.

Sec. 6. Minnesota Statutes 2023 Supplement, section 245A.16, subdivision 1, as amended by Laws 2024, chapter 80, article 2, section 65, is amended to read:

Subdivision 1. Delegation of authority to agencies.

(a) County agencies that have been designated by the commissioner to perform licensing functions and activities under section 245A.04; to recommend denial of applicants under section 245A.05; to issue correction orders, to issue variances, and recommend a conditional license under section 245A.06; or to recommend suspending or revoking a license or issuing a fine under section 245A.07, shall comply with rules and directives of the commissioner governing those functions and with this section. The following variances are excluded from the delegation of variance authority and may be issued only by the commissioner:

(1) dual licensure of family child foster care and family adult foster care, dual licensure of child foster residence setting and community residential setting, and dual licensure of family adult foster care and family child care.
(2) until the responsibility for family child foster care transfers to the commissioner of children, youth, and families under Laws 2023, chapter 70, article 12, section 30; dual licensure of family child foster care and family adult foster care;

(3) until the responsibility for family child care transfers to the commissioner of children, youth, and families under Laws 2023, chapter 70, article 12, section 30; dual licensure of family adult foster care and family child care;

(4) until the responsibility for family adult foster care transfers to the commissioner of children, youth, and families under Laws 2023, chapter 70, article 12, section 30, dual licensure of family adult foster care and family child care;

(5) adult foster care maximum capacity;

(6) adult foster care minimum age requirement;

(7) variances regarding disqualified individuals;

(8) the required presence of a caregiver in the adult foster care residence during normal sleeping hours;

(9) variances to requirements relating to chemical use problems of a license holder or a household member of a license holder; and

(10) variances to section 142B.46 for the use of a cradleboard for a cultural accommodation.

(b) Once the respective responsibilities transfer from the commissioner of human services to the commissioner of children, youth, and families, under Laws 2023, chapter 70, article 12, the commissioners of human services and children, youth, and families must both approve a variance for dual licensure of family child foster care and family adult foster care or family adult foster care and family child care. Variances under this paragraph are excluded from the delegation of variance authority and may be issued only by both commissioners.

(b) For family adult day services programs, the commissioner may authorize licensing reviews every two years after a licensee has had at least one annual review.

(c) A license issued under this section may be issued for up to two years;

(c) During implementation of chapter 245D, the commissioner shall consider:

(1) the role of counties in quality assurance;

(2) the duties of county licensing staff; and

(3) the possible use of joint powers agreements, according to section 471.59, with counties through which some licensing duties under chapter 245D may be delegated by the commissioner to the counties.
Any consideration related to this paragraph must meet all of the requirements of the corrective action plan ordered by the federal Centers for Medicare and Medicaid Services.

(e) Licensing authority specific to section 245D.06, subdivisions 5, 6, 7, and 8, or successor provisions; and section 245D.061 or successor provisions, for family child foster care programs providing out-of-home respite, as identified in section 245D.03, subdivision 1; paragraph (b); clause (1), is excluded from the delegation of authority to county agencies.

297.1 Sec. 7. Minnesota Statutes 2022, section 245A.175, is amended to read:

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

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

297.16 Sec. 8. Minnesota Statutes 2023 Supplement, section 245A.66, subdivision 4, as amended by Laws 2024, chapter 80, article 2, section 73, is amended to read:

Subd. 4. Ongoing training requirement. (a) In addition to the orientation training required by the applicable licensing rules and statutes, children's residential facility license holders must provide a training annually on the maltreatment of minors reporting requirements and definitions in chapter 260E to each mandatory reporter, as described in section 260E.06, subdivision 3.

(b) In addition to the orientation training required by the applicable licensing rules and statutes, all foster residence setting staff and volunteers that are mandatory reporters as described in section 260E.06, subdivision 1, must complete training each year on the maltreatment of minors reporting requirements and definitions in chapter 260E.

297.27 Sec. 9. Minnesota Statutes 2022, section 256.029, as amended by Laws 2024, chapter 80, article 1, section 66, is amended to read:

256.029 DOMESTIC VIOLENCE INFORMATIONAL BROCHURE.

(a) The commissioner shall provide a domestic violence informational brochure that provides information about the existence of domestic violence waivers for eligible public
assistance applicants to all applicants of general assistance, medical assistance, and
MinnesotaCare. The brochure must explain that eligible applicants may be temporarily
waived from certain program requirements due to domestic violence. The brochure must
provide information about services and other programs to help victims of domestic violence.

(b) The brochure must be funded with TANF funds.

(c) The commissioner must work with the commissioner of children, youth, and families
to create a brochure that meets the requirements of this section and section 142G.05.

Sec. 9. Minnesota Statutes 2023 Supplement, section 256.043, subdivision 3, is amended
to read:

Subd. 3. Appropriations from registration and license fee account. (a) The
appropriations in paragraphs (b) to (n) shall be made from the registration and license fee
account on a fiscal year basis in the order specified.

(b) The appropriations specified in Laws 2019, chapter 63, article 3, sections 1, paragraphs
(b), (f), (g), and (h), as amended by Laws 2020, chapter 115, article 3, section 35, shall be
made accordingly.

(c) $100,000 is appropriated to the commissioner of human services for grants for opiate
antagonist distribution. Grantees may utilize funds for opioid overdose prevention,
community asset mapping, education, and opiate antagonist distribution.

(d) $2,000,000 is appropriated to the commissioner of human services for grants to Tribal
nations and five urban Indian communities for traditional healing practices for American
Indians and to increase the capacity of culturally specific providers in the behavioral health
workforce.

(e) $400,000 is appropriated to the commissioner of human services for competitive
grants for opioid-focused Project ECHO programs.

(f) $277,000 in fiscal year 2024 and $321,000 each year thereafter is appropriated to the
commissioner of human services to administer the funding distribution and reporting
requirements in paragraph (o).

(g) $3,000,000 in fiscal year 2025 and $3,000,000 each year thereafter is appropriated

to the commissioner of human services for safe recovery sites start-up and capacity building
grants under section 254B.18.

(h) $395,000 in fiscal year 2024 and $415,000 each year thereafter is appropriated to
the commissioner of human services for the opioid overdose surge alert system under section
245.891.

(i) $300,000 is appropriated to the commissioner of management and budget for
evaluation activities under section 256.042, subdivision 1, paragraph (e).

Sec. 10. Minnesota Statutes 2023 Supplement, section 256.043, subdivision 3, is amended
to read:

Subd. 3. Appropriations from registration and license fee account. (a) The
appropriations in paragraphs (b) to (n) shall be made from the registration and license fee
account on a fiscal year basis in the order specified.

(b) The appropriations specified in Laws 2019, chapter 63, article 3, sections 1, paragraphs
(b), (f), (g), and (h), as amended by Laws 2020, chapter 115, article 3, section 35, shall be
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community asset mapping, education, and opiate antagonist distribution.

(d) $2,000,000 is appropriated to the commissioner of human services for grants to Tribal
nations and five urban Indian communities for traditional healing practices for American
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grants under section 254B.18.

(h) $395,000 in fiscal year 2024 and $415,000 each year thereafter is appropriated to
the commissioner of human services for the opioid overdose surge alert system under section
245.891.

(i) $300,000 is appropriated to the commissioner of management and budget for
evaluation activities under section 256.042, subdivision 1, paragraph (e).
$261,000 is appropriated to the commissioner of human services for the provision of administrative services to the Opiate Epidemic Response Advisory Council and for the administration of the grants awarded under paragraph (n).

$k$ $126,000 is appropriated to the Board of Pharmacy for the collection of the registration fees under section 151.066.

$l$ $672,000 is appropriated to the commissioner of public safety for the Bureau of Criminal Apprehension. Of this amount, $384,000 is for drug scientists and lab supplies and $288,000 is for special agent positions focused on drug interdiction and drug trafficking.

(m) After the appropriations in paragraphs (b) to (l) are made, 50 percent of the remaining amount is appropriated to the commissioner of children, youth, and families for distribution to county social service agencies and Tribal social service agency initiative projects authorized under section 256.01, subdivision 14b, to provide child protection services to children and families who are affected by addiction. The commissioner shall distribute this money proportionally to county social service agencies and Tribal social service agencies and Tribal social service agency initiative projects based on out-of-home placement episodes where parental drug abuse is the primary reason for the out-of-home placement using data from the previous calendar year. County social service agencies and Tribal social service agency initiative projects receiving funds from the opiate epidemic response fund must annually report to the commissioner on how the funds were used to provide child protection services, including measurable outcomes, as determined by the commissioner. County social service agencies and Tribal social service agency initiative projects must not use funds received under this paragraph to supplant current state or local funding received for child protection services for children and families who are affected by addiction.

(n) After the appropriations in paragraphs (b) to (m) are made, the remaining amount in the account is appropriated to the commissioner of human services to award grants as specified by the Opiate Epidemic Response Advisory Council in accordance with section 256.042, unless otherwise appropriated by the legislature.

(o) Beginning in fiscal year 2022 and each year thereafter, funds for county social service agencies and Tribal social service agency initiative projects under paragraph (n) and grant funds specified by the Opiate Epidemic Response Advisory Council under paragraph (n) may be distributed on a calendar year basis.

(p) Notwithstanding section 16A.28, subdivision 3, funds appropriated in paragraphs (c), (d), (e), (g), (m), and (n) are available for three years after the funds are appropriated.

Sec. 11. Minnesota Statutes 2023 Supplement, section 256.043, subdivision 3a, is amended to read:

Subd. 3a. Appropriations from settlement account. (a) The appropriations in paragraphs (b) to (e) shall be made from the settlement account on a fiscal year basis in the order specified.
(b) If the balance in the registration and license fee account is not sufficient to fully fund the appropriations specified in subdivision 3, paragraphs (b) to (f), an amount necessary to meet any insufficiency shall be transferred from the settlement account to the registration and license fee account to fully fund the required appropriations.

(c) $209,000 in fiscal year 2023 and $239,000 in fiscal year 2024 and subsequent fiscal years are appropriated to the commissioner of human services for the administration of grants awarded under paragraph (e). $276,000 in fiscal year 2023 and $151,000 in fiscal year 2024 and subsequent fiscal years are appropriated to the commissioner of human services to collect, collate, and report data submitted and to monitor compliance with reporting and settlement expenditure requirements by grantees awarded grants under this section and municipalities receiving direct payments from a statewide opioid settlement agreement as defined in section 256.042, subdivision 6.

(d) After any appropriations necessary under paragraphs (b) and (c) are made, an amount equal to the calendar year allocation to Tribal social service agency initiative projects under subdivision 3, paragraph (m), is appropriated from the settlement account to the commissioner of human services to provide child protection services to children and families who are affected by addiction. The requirements related to proportional distribution, annual reporting, and maintenance of effort specified in subdivision 3, paragraph (m), also apply to the appropriations made under this paragraph.

(e) After making the appropriations in paragraphs (b), (c), and (d), the remaining amount in the account is appropriated to the commissioner of human services to award grants as specified by the Opiate Epidemic Response Advisory Council in accordance with section 256.042.

(f) Funds for Tribal social service agency initiative projects under paragraph (d) and grant funds specified by the Opiate Epidemic Response Advisory Council under paragraph (e) may be distributed on a calendar year basis.

(g) Notwithstanding section 16A.28, subdivision 3, funds appropriated in paragraphs (d) and (e) are available for three years after the funds are appropriated.

Sec. 12. Minnesota Statutes 2023 Supplement, section 256.045, subdivision 3, as amended by Laws 2024, chapter 79, article 3, section 3, and Laws 2024, chapter 80, article 1, section 67, is amended to read:

Subd. 3. State agency hearings. (a) State agency hearings are available for the following:

(i) applying for, receiving or having received public assistance, medical care, or a program of social services administered by the commissioner or a county agency on behalf of the commissioner; and

Subd. 3. State agency hearings. (a) State agency hearings are available for the following:

(i) applying for, receiving or having received public assistance, medical care, or a program of social services administered by the commissioner or a county agency on behalf of the commissioner; and
(ii) whose application for assistance is denied, not acted upon with reasonable promptness, or whose assistance is suspended, reduced, terminated, or claimed to have been incorrectly paid;

(2) any patient or relative aggrieved by an order of the commissioner under section 252.27;

(3) a party aggrieved by a ruling of a prepaid health plan;

(4) except as provided under chapter 245C, any individual or facility determined by a lead investigative agency to have maltreated a vulnerable adult under section 626.557 after they have exercised their right to administrative reconsideration under section 626.557;

(5) any person to whom a right of appeal according to this section is given by other provision of law;

(6) an applicant aggrieved by an adverse decision to an application for a hardship waiver under section 256B.15;

(7) an applicant aggrieved by an adverse decision to an application or redetermination for a Medicare Part D prescription drug subsidy under section 256B.04, subdivision 4a;

(8) except as provided under chapter 245A, an individual or facility determined to have maltreated a minor under chapter 260E, after the individual or facility has exercised the right to administrative reconsideration under chapter 260E;

(9) except as provided under chapter 245C and except for a subject of a background study that the commissioner has conducted on behalf of another agency for a program or facility not otherwise overseen by the commissioner, an individual disqualified under sections 245C.14 and 245C.15, following a reconsideration decision issued under section 245C.23 on the basis of serious or recurring maltreatment; a preponderance of the evidence that the individual has committed an act or acts that meet the definition of any of the crimes listed in section 245C.15, subdivisions 1 to 4; or for failing to make reports required under section 260E.06, subdivision 1, or 626.557, subdivision 3. Hearings regarding a maltreatment determination under clause (4) or (8) or section 142A.20, subdivision 2, clause (4), and a disqualification under this clause in which the basis for a disqualification is serious or recurring maltreatment, shall be consolidated into a single fair hearing. In such cases, the scope of review by the human services judge shall include both the maltreatment determination and the disqualification. The failure to exercise the right to an administrative reconsideration shall not be a bar to a hearing under this section if federal law provides an individual the right to a hearing to dispute a finding of maltreatment;

(10) any person with an outstanding debt resulting from receipt of public assistance administered by the commissioner or medical care who is contesting a setoff claim by the Department of Human Services or a county agency. The scope of the appeal is the validity of the claimant agency's intention to request a setoff of a refund under chapter 270A against the debt;
available when there is no district court action pending. If such action is filed in district
child placement decision.

dismissed, or overturned, the matter may be considered in an administrative hearing.

subdivision 3a, by a licensed provider of any residential supports or services listed in section

subdivision 4a;

(12) an individual disability waiver recipient based on a denial of a request for a
rate exception under section 256B.4914;

(13) a person issued a notice of service termination under section 245A.11,
subdivision 11, that is not otherwise subject to appeal under subdivision 4a;

subdivision 14, a recovery community organization seeking medical assistance vendor eligibility
under section 245A.11, subdivision 9, that is aggrieved by a membership or accreditation
determination and believes the organization meets the requirements under section

subdivision 1, paragraph (d), clauses (1) to (10). The scope of the review by the
human services judge shall be limited to whether the organization meets each of the
requirements under section 245B.05, subdivision 1, paragraph (d), clauses (1) to (10).

(b) The hearing for an individual or facility under paragraph (a), clause (4), (8), or (9),
is the only administrative appeal to the final agency determination specifically, including

a challenge to the accuracy and completeness of data under section 13.04. Hearings requested
under paragraph (a), clause (4), apply only to incidents of maltreatment that occur on or
after October 1, 1995. Hearings requested by nursing assistants in nursing homes alleged
to have maltreated a resident prior to October 1, 1995, shall be held as a contested case
proceeding under the provisions of chapter 14. Hearings requested under paragraph (a),
clause (8), apply only to incidents of maltreatment that occur on or after July 1, 1997. A
hearing for an individual or facility under paragraph (a), clause (4), (8), or (9), is only
available when there is no district court action pending. If such action is filed in district
court while an administrative review is pending that arises out of some or all of the events
or circumstances on which the appeal is based, the administrative review must be suspended
until the judicial actions are completed. If the district court proceedings are completed,
dismissed, or overturned, the matter may be considered in an administrative hearing.

(c) For purposes of this section, bargaining unit grievance procedures are not an
administrative appeal.

(d) The scope of hearings involving claims to foster care payments under section 142A.20,
subdivision 2, clause (2), shall be limited to the issue of whether the county is legally
responsible for a child's placement under court order or voluntary placement agreement
and, if so, the correct amount of foster care payment to be made on the child's behalf and
shall not include review of the propriety of the county's child protection determination or
child placement decision.

The scope of hearings under paragraph (a), clauses (11) and (13), shall be limited
to whether the proposed termination of services is authorized under section 245D.10,
subdivision 3a, paragraph (b), or 245A.11, subdivision 11, and whether the requirements

(11) a person issued a notice of service termination under section 245D.10,
subdivision 3a, by a licensed provider of any residential supports or services listed in section
245D.03, subdivision 1, paragraphs (b) and (c), that is not otherwise subject to appeal under
subdivision 4a;

(12) an individual disability waiver recipient based on a denial of a request for a
rate exception under section 256B.4914;

(13) a person issued a notice of service termination under section 245A.11,
subdivision 11, that is not otherwise subject to appeal under subdivision 4a;

(14) a recovery community organization seeking medical assistance vendor eligibility
under section 245A.11, subdivision 9, that is aggrieved by a membership or accreditation
determination and believes the organization meets the requirements under section
245B.05, subdivision 1, paragraph (d), clauses (1) to (10). The scope of the review by the
human services judge shall be limited to whether the organization meets each of the
requirements under section 245B.05, subdivision 1, paragraph (d), clauses (1) to (10).

(b) The hearing for an individual or facility under paragraph (a), clause (4), (8), or (9),
is the only administrative appeal to the final agency determination specifically, including

a challenge to the accuracy and completeness of data under section 13.04. Hearings requested
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proceeding under the provisions of chapter 14. Hearings requested under paragraph (a),
clause (8), apply only to incidents of maltreatment that occur on or after July 1, 1997. A
hearing for an individual or facility under paragraph (a), clause (4), (8), or (9), is only
available when there is no district court action pending. If such action is filed in district
court while an administrative review is pending that arises out of some or all of the events
or circumstances on which the appeal is based, the administrative review must be suspended
until the judicial actions are completed. If the district court proceedings are completed,
dismissed, or overturned, the matter may be considered in an administrative hearing.

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responsible for a child's placement under court order or voluntary placement agreement
and, if so, the correct amount of foster care payment to be made on the child's behalf and
shall not include review of the propriety of the county's child protection determination or
child placement decision.
of section 245D.10, subdivision 3a, paragraphs (c) to (e), or 245A.11, subdivision 2a,
paragraphs (d) and (e), were met. If the appeal includes a request for a temporary stay of
termination of services, the scope of the hearing shall also include whether the case
management provider has finalized arrangements for a residential facility, a program, or
services that will meet the assessed needs of the recipient by the effective date of the service
termination.

(4) A vendor of medical care as defined in section 256B.02, subdivision 7, or a vendor
under contract with a county agency to provide social services is not a party and may not
request a hearing under this section, except if assisting a recipient as provided in subdivision
4.

(4) An applicant or recipient is not entitled to receive social services beyond the
services prescribed under chapter 256M or other social services the person is eligible for
under state law.

(4) The commissioner may summarily affirm the county or state agency's proposed
action without a hearing when the sole issue is an automatic change due to a change in state
or federal law, except in matters covered by paragraph (3) (b).

(4) When the subject of an administrative review is a matter within the jurisdiction
of the direct care and treatment executive board as a part of the board's powers and duties
under chapter 246C, the executive board may summarily affirm the county or state agency's
proposed action without a hearing when the sole issue is an automatic change due to a
change in state or federal law.

(4) Unless federal or Minnesota law specifies a different time frame in which to file
an appeal, an individual or organization specified in this section may contest the specified
action, decision, or final disposition before the state agency by submitting a written request
for a hearing to the state agency within 30 days after receiving written notice of the action,
decision, or final disposition, or within 90 days of such written notice if the applicant,
recipient, patient, or relative shows good cause as defined in section 256.0451, subdivision
13, why the request was not submitted within the 30-day time limit. The individual filing
the appeal has the burden of proving good cause by a preponderance of the evidence.

Sec. 13. Minnesota Statutes 2022, section 256.045, subdivision 3b, as amended by Laws
2024, chapter 80, article 1, section 68, is amended to read:

Subd. 3b. Standard of evidence for maltreatment and disqualification hearings. (a)
The state human services judge shall determine that maltreatment has occurred if a
preponderance of evidence exists to support the final disposition under section 626.557 and
chapter 260E. For purposes of hearings regarding disqualification, the state human services
court judge shall affirm the proposed disqualification in an appeal under subdivision 3, paragraph
(a), clause (9), if a preponderance of the evidence shows the individual has:

(1) committed maltreatment under section 626.557 or chapter 260E that is serious or
recurring;
(2) committed an act or acts meeting the definition of any of the crimes listed in section 245C.15, subdivisions 1 to 4; or

(3) failed to make required reports under section 626.557 or chapter 260E, for incidents in which the final disposition under section 626.557 or chapter 260E was substantiated

(3) failed to make required reports under section 626.557 or chapter 260E, for incidents in which the final disposition under section 626.557 or chapter 260E was substantiated

malpractice that was serious or recurring.

whether the individual poses a risk of harm in accordance with the requirements of section 245C.22, and whether the disqualification should be set aside or not set aside. In determining

whether the individual poses a risk of harm. A decision to set aside a disqualification that is the subject of the hearing constitutes a determination that the individual does not pose a risk of harm and that the individual may provide direct contact services in the individual program specified in the set aside.

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time to submit additional written argument on the matter. After the expiration of the ten-day period, the commissioner shall issue an order on the matter to the petitioner, the agency, or prepaid health plan.

(b) A party aggrieved by an order of the commissioner may appeal under subdivision 7, or request reconsideration by the commissioner within 30 days after the date the commissioner issues the order. The commissioner may reconsider an order upon request of any party or on the commissioner's own motion. A request for reconsideration does not stay implementation of the commissioner's order. The person seeking reconsideration has the burden to demonstrate why the matter should be reconsidered. The request for reconsideration may include legal argument and proposed additional evidence supporting the request. If proposed additional evidence is submitted, the person must explain why the proposed additional evidence was not provided at the time of the hearing. If reconsideration is granted, the other participants must be sent a copy of all material submitted in support of the request for reconsideration and must be given ten days to respond. Upon reconsideration, the commissioner may issue an amended order or an order affirming the original order.

c) Any order of the commissioner issued under this subdivision shall be conclusive upon the parties unless appeal is taken in the manner provided by subdivision 7. Any order of the commissioner is binding on the parties and must be implemented by the state agency, a county agency, or a prepaid health plan according to subdivision 3a, until the order is reversed by the district court, or unless the commissioner or a district court orders monthly assistance or aid or services paid or provided under subdivision 10.

(d) A vendor of medical care as defined in section 256B.02, subdivision 7, or a vendor under contract with a county agency to provide social services is not a party and may not request a hearing or seek judicial review of an order issued under this section, unless assisting a recipient as provided in subdivision 4. A prepaid health plan is a party to an appeal under subdivision 3a, but cannot seek judicial review of an order issued under this section.

Sec. 15. Minnesota Statutes 2022, section 256.045, subdivision 7, as amended by Laws 2024, chapter 79, article 3, section 7, is amended to read:

Subd. 7. Judicial review. Except for a prepaid health plan, any party who is aggrieved by an order of the commissioner of health services; the commissioner of health; or the commissioner of children, youth, and families in appeals within the commissioner's jurisdiction under subdivision 3b or the direct care and treatment executive board in appeals within the jurisdiction of the executive board under subdivision 5a may appeal the order to the district court of the county responsible for furnishing assistance, or, in appeals under subdivision 3b, the county where the maltreatment occurred, by serving a written copy of a notice of appeal upon the applicable commissioner or executive board and any adverse party of record within 30 days after the date the commissioner or executive board issued the order, the amended order, or order affirming the original order, and by filing the original notice and proof of service with the court administrator of the district court. Service may be made personally or by mail; service by mail is complete upon mailing; no filing fee shall be required by the court administrator in appeals taken pursuant to this subdivision, with time to submit additional written argument on the matter. After the expiration of the ten-day period, the commissioner shall issue an order on the matter to the petitioner, the agency, or prepaid health plan.
the exception of appeals taken under subdivision 3b. The applicable commissioner or executive board may elect to become a party to the proceedings in the district court. Except for appeals under subdivision 3b, any party may demand that the commissioner or executive board furnish all parties to the proceedings with a copy of the decision, and a transcript of any testimony, evidence, or other supporting papers from the hearing held before the human services judge, by serving a written demand upon the applicable commissioner or executive board within 30 days after service of the notice of appeal. Any party aggrieved by the failure of an adverse party to obey an order issued by the commissioner or executive board under subdivisions 5 or 5a may compel performance according to the order in the manner prescribed in sections 586.01 to 586.12.

Subdivision 1. Scope. (a) The requirements in this section apply to all fair hearings and appeals under section 142A.20, subdivision 2, and 256.045, subdivision 3, paragraph (a), clauses (1), (2), (3), (5), (6), (7), (8), and (11). Except as provided in subdivisions 3 and 19, the requirements under this section apply to fair hearings and appeals under section 256.045, subdivision 3, paragraph (a), clauses (4), (8), (9), (10), and (11).

(b) For purposes of this section, "person" means an individual who, on behalf of themselves or their household, is appealing or disputing or challenging an action, a decision, or a failure to act, by an agency in the human services system. When a person involved in a proceeding under this section is represented by an attorney or by an authorized representative, the term "person" also means the person's attorney or authorized representative. Any notice sent to the person involved in the hearing must also be sent to the person's attorney or authorized representative.

(c) For purposes of this section, "agency" means the county human services agency, the state human services agency, and, where applicable, any entity involved under a contract, subcontract, grant, or subgrant with the state agency or with a county agency, that provides or operates programs or services in which appeals are governed by section 256.045.

Sec. 17. Minnesota Statutes 2022, section 256.0451, subdivision 22, is amended to read:

Subd. 22. Decisions. A timely, written decision must be issued in every appeal. Each decision must contain a clear ruling on the issues presented in the appeal hearing and should contain a ruling only on questions directly presented by the appeal and the arguments raised in the appeal.

(a) A written decision must be issued within 90 days of the date the person involved requested the appeal unless a shorter time is required by law. An additional 30 days is provided in those cases where the commissioner refuses to accept the recommended decision. In appeals of maltreatment determinations or disqualifications filed pursuant to section 256.045, subdivision 3, paragraph (a), clause (4), (8), or (9), that also give rise to the exception of appeals taken under subdivision 3b. The applicable commissioner or executive board may elect to become a party to the proceedings in the district court. Except for appeals under subdivision 3b, any party may demand that the commissioner or executive board furnish all parties to the proceedings with a copy of the decision, and a transcript of any testimony, evidence, or other supporting papers from the hearing held before the human services judge, by serving a written demand upon the applicable commissioner or executive board within 30 days after service of the notice of appeal. Any party aggrieved by the failure of an adverse party to obey an order issued by the commissioner or executive board under subdivisions 5 or 5a may compel performance according to the order in the manner prescribed in sections 586.01 to 586.12.

Sec. 11. Minnesota Statutes 2022, section 256.0451, subdivision 1, as amended by Laws 2024, chapter 80, article 1, section 72, is amended to read:

Subd. 1. Scope. (a) The requirements in this section apply to all fair hearings and appeals under section 142A.20, subdivision 2, and 256.045, subdivision 3, paragraph (a), clauses (1), (2), (3), (5), (6), (7), (8), (9), (10), and (11). Except as provided in subdivisions 3 and 19, the requirements under this section apply to fair hearings and appeals under section 256.045, subdivision 3, paragraph (a), clauses (4), (8), (9), (10), and (11).

(b) For purposes of this section, "person" means an individual who, on behalf of themselves or their household, is appealing or disputing or challenging an action, a decision, or a failure to act, by an agency in the human services system. When a person involved in a proceeding under this section is represented by an attorney or by an authorized representative, the term "person" also means the person's attorney or authorized representative. Any notice sent to the person involved in the hearing must also be sent to the person's attorney or authorized representative.

(c) For purposes of this section, "agency" means the county human services agency, the state human services agency, and, where applicable, any entity involved under a contract, subcontract, grant, or subgrant with the state agency or with a county agency, that provides or operates programs or services in which appeals are governed by section 256.045.
possible licensing actions, the 90-day period for issuing final decisions does not begin until
the other of the date that the licensing authority provides notice to the appeals division that
the other has made the final determination in the matter or the other the appellant files
the last appeal in the consolidated matters.

(b) The decision must contain both findings of fact and conclusions of law, clearly
separated and identified. The findings of fact must be based on the entire record. Each
finding of fact made by the human services judge shall be supported by a preponderance
of the evidence unless a different standard is required under the regulations of a particular
program. The "preponderance of the evidence" means, in light of the record as a whole, the
evidence leads the human services judge to believe that the finding of fact is more likely to
be true than not true. The legal claims or arguments of a participant do not constitute either
a finding of fact or a conclusion of law, except to the extent the human services judge adopts
an argument as a finding of fact or conclusion of law.

The decision shall contain at least the following:

(1) a listing of the date and place of the hearing and the participants at the hearing;

(2) a clear and precise statement of the issues, including the dispute under consideration
and the specific points which must be resolved in order to decide the case;

(3) a listing of the material, including exhibits, records, reports, placed into evidence at
the hearing, and upon which the hearing decision is based;

(4) the findings of fact based upon the entire hearing record. The findings of fact must
be adequate to inform the participants and any interested person in the public of the basis
of the decision. If the evidence is in conflict on an issue which must be resolved, the findings
of fact must state the reasoning used in resolving the conflict;

(5) conclusions of law that address the legal authority for the hearing and the ruling, and
which give appropriate attention to the claims of the participants to the hearing;

(6) a clear and precise statement of the decision made resolving the dispute under
consideration in the hearing; and

(7) written notice of the right to appeal to district court or to request reconsideration,
and of the actions required and the time limits for taking appropriate action to appeal to
district court or to request a reconsideration.

(c) The human services judge shall not independently investigate facts or otherwise rely
on information not presented at the hearing. The human services judge may not contact
other agency personnel, except as provided in subdivision 18. The human services judge's
recommended decision must be based exclusively on the testimony and evidence presented
at the hearing, and legal arguments presented, and the human services judge's research and
knowledge of the law.

possible licensing actions, the 90-day period for issuing final decisions does not begin until
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the last appeal in the consolidated matters.

(b) The decision must contain both findings of fact and conclusions of law, clearly
separated and identified. The findings of fact must be based on the entire record. Each
finding of fact made by the human services judge shall be supported by a preponderance
of the evidence unless a different standard is required under the regulations of a particular
program. The "preponderance of the evidence" means, in light of the record as a whole, the
evidence leads the human services judge to believe that the finding of fact is more likely to
be true than not true. The legal claims or arguments of a participant do not constitute either
a finding of fact or a conclusion of law, except to the extent the human services judge adopts
an argument as a finding of fact or conclusion of law.

The decision shall contain at least the following:

(1) a listing of the date and place of the hearing and the participants at the hearing;

(2) a clear and precise statement of the issues, including the dispute under consideration
and the specific points which must be resolved in order to decide the case;

(3) a listing of the material, including exhibits, records, reports, placed into evidence at
the hearing, and upon which the hearing decision is based;

(4) the findings of fact based upon the entire hearing record. The findings of fact must
be adequate to inform the participants and any interested person in the public of the basis
of the decision. If the evidence is in conflict on an issue which must be resolved, the findings
of fact must state the reasoning used in resolving the conflict;

(5) conclusions of law that address the legal authority for the hearing and the ruling, and
which give appropriate attention to the claims of the participants to the hearing;

(6) a clear and precise statement of the decision made resolving the dispute under
consideration in the hearing; and

(7) written notice of the right to appeal to district court or to request reconsideration,
and of the actions required and the time limits for taking appropriate action to appeal to
district court or to request a reconsideration.

(c) The human services judge shall not independently investigate facts or otherwise rely
on information not presented at the hearing. The human services judge may not contact
other agency personnel, except as provided in subdivision 18. The human services judge's
recommended decision must be based exclusively on the testimony and evidence presented
at the hearing, and legal arguments presented, and the human services judge's research and
knowledge of the law.
The commissioner will review the recommended decision and accept or refuse to accept the decision according to section 142A.20, subdivision 3, or 256.045, subdivision 5.

Sec. 18. Minnesota Statutes 2022, section 256.0451, subdivision 24, is amended to read:

Subd. 24. Reconsideration. (a) Reconsideration may be requested within 30 days of the date of the commissioner's final order. If reconsideration is requested under section 142A.20, subdivision 3, or 256.045, subdivision 5, the other participants in the appeal shall be informed of the request. The person seeking reconsideration has the burden to demonstrate why the matter should be reconsidered. The request for reconsideration may include legal argument and may include proposed additional evidence supporting the request. The other participants shall be sent a copy of all material submitted in support of the request for reconsideration and must be given ten days to respond.

(d) The commissioner shall issue a written decision on reconsideration in a timely fashion.

Subd. 2. Combined hearing. (a) The human services judge must conduct any hearings under section 142A.20 or 256.045 and administrative fraud disqualification hearing under this section or section 142A.27 into a single hearing if the factual issues arise out of the same, or related, circumstances; the commissioner of human services has jurisdiction over at least one of the hearings; and the individual receives prior notice that the hearings will be combined. If the administrative fraud disqualification hearing and fair hearing are combined, the time frames for administrative fraud disqualification hearings specified in section 142A.27, the time frames for administrative fraud disqualification hearings specified in Code of Federal Regulations, title 7, chapter 261, apply. If the individual accused of wrongfully obtaining assistance is charged under section 256.98 for the same act or acts which are the subject of the hearing, the individual may request that the hearing be delayed until the criminal charge is decided by the court or withdrawn.

(b) The human services judge must conduct any hearings under section 142A.20 or 142A.27 pursuant to the relevant laws and rules governing children, youth, and families judges.
Sec. 20. Minnesota Statutes 2023 Supplement, section 256M.42, is amended by adding a subdivision to read:

Subd. 7. Adult protection grant allocation under Reform 2020. The requirements of subdivisions 2 to 6 apply to the Reform 2020 adult protection state grants in Minnesota Statutes 2013 Supplement, section 256M.40, subdivision 1, and Laws 2013, chapter 108, article 15. The Reform 2020 state adult protection grant must be allocated annually consistent with the calendar year 2023 allocation made under section 256M.40.

Sec. 21. Laws 2023, chapter 70, article 12, section 30, subdivision 2, is amended to read:

Subd. 2. Department of Human Services. The powers and duties of the Department of Human Services with respect to the following responsibilities and related elements are transferred to the Department of Children, Youth, and Families according to Minnesota Statutes, section 15.039:

1. family services and community-based collaboratives under Minnesota Statutes, section 124D.23;
2. child care programs under Minnesota Statutes, chapter 119B;
3. Parent Aware quality rating and improvement system under Minnesota Statutes, section 124D.142;
4. migrant child care services under Minnesota Statutes, section 256M.50;
5. early childhood and school-age professional development training under Laws 2007, chapter 147, article 2, section 56;
6. licensure of family child care and child care centers, child foster care, and private child placing agencies under Minnesota Statutes, chapter 245A;
7. certification of license-exempt child care centers under Minnesota Statutes, chapter 245H;
8. program integrity and fraud related to the Child Care Assistance Program (CCAP), the Minnesota Family Investment Program (MFIP), and the Supplemental Nutrition Assistance Program (SNAP) under Minnesota Statutes, chapters 119B and 245E;
9. SNAP under Minnesota Statutes, sections 256D.60 to 256D.63;
10. electronic benefit transactions under Minnesota Statutes, sections 256.9862, 256.9865, 256.987, 256.9871, 256.9872, and 256.77;
11. Minnesota food assistance program under Minnesota Statutes, section 256D.64;
12. Minnesota food shelf program under Minnesota Statutes, section 256E.34;
13. MFIP and Temporary Assistance for Needy Families (TANF) under Minnesota Statutes, sections 256.9864 and 256.9865 and chapters 256J and 256P.
(14) Diversionary Work Program (DWP) under Minnesota Statutes, section 256J.95;
(15) resettlement programs under Minnesota Statutes, section 256B.06, subdivision 6;
American Indian food sovereignty program under Minnesota Statutes, section 256E.342;
(16) child abuse under Minnesota Statutes, chapter 256E;
(17) reporting of the maltreatment of minors under Minnesota Statutes, chapter 260E;
(18) children in voluntary foster care for treatment under Minnesota Statutes, chapter 260D;
(19) juvenile safety and placement under Minnesota Statutes, chapter 260C;
(20) the Minnesota Indian Family Preservation Act under Minnesota Statutes, sections 260.751 to 260.835;
(21) the Interstate Compact for Juveniles under Minnesota Statutes, section 260.515, and the Interstate Compact on the Placement of Children under Minnesota Statutes, sections 260.851 to 260.93;
(22) adoption under Minnesota Statutes, sections 259.20 to 259.89;
(23) Northstar Care for Children under Minnesota Statutes, chapter 256N;
(25) community action programs under Minnesota Statutes, sections 256E.30 to 256E.32;
(26) Family Assets for Independence in Minnesota under Minnesota Statutes, section 256E.35;
(27) capital for emergency food distribution facilities under Laws 2023, chapter 70, article 20, section 2, subdivision 24, paragraph (1);
(28) community resource centers under Laws 2023, chapter 70, article 14, section 42;
(29) diaper distribution grant program under Minnesota Statutes, section 256E.38;
(30) emergency services program under Minnesota Statutes, section 256E.36;
(31) emergency shelter facilities grants under Laws 2023, chapter 70, article 11, section 14;
(32) Family First Prevention Services Act support and development grant program under Minnesota Statutes, section 256.4793;
(33) child abuse under Minnesota Statutes, chapter 256E;
(34) reporting of the maltreatment of minors under Minnesota Statutes, chapter 260E;
(35) children in voluntary foster care for treatment under Minnesota Statutes, chapter 260D;
(36) juvenile safety and placement under Minnesota Statutes, chapter 260C;
(37) the Minnesota Indian Family Preservation Act under Minnesota Statutes, sections 260.751 to 260.835;
(38) the Interstate Compact for Juveniles under Minnesota Statutes, section 260.515, and the Interstate Compact on the Placement of Children under Minnesota Statutes, sections 260.851 to 260.93;
(39) adoption under Minnesota Statutes, sections 259.20 to 259.89;
(40) Northstar Care for Children under Minnesota Statutes, chapter 256N;
(41) child support under Minnesota Statutes, chapters 13, 13B, 214, 256, 256J, 257, 259, 518, 518A, 518C, 551, 552, 571, and 588, and Minnesota Statutes, section 609.375;
(42) community action programs under Minnesota Statutes, sections 256E.30 to 256E.32;
(43) Family Assets for Independence in Minnesota under Minnesota Statutes, section 256E.35;
(44) capital for emergency food distribution facilities under Laws 2023, chapter 70, article 20, section 2, subdivision 24, paragraph (1);
(45) community resource centers under Laws 2023, chapter 70, article 14, section 42;
(46) diaper distribution grant program under Minnesota Statutes, section 256E.38;
(47) emergency services program under Minnesota Statutes, section 256E.36;
(48) emergency shelter facilities grants under Laws 2023, chapter 70, article 11, section 14;
(49) Family First Prevention Services Act support and development grant program under Minnesota Statutes, section 256.4793;
41.18 (33) Family First Prevention Services Act kinship navigator program under Minnesota Statutes, section 256.4794;
41.19 (32) family first prevention and early intervention allocation program under Minnesota Statutes, section 260.014;
41.20 (31) grants for prepared meals food relief under Laws 2023, chapter 70, article 12, section 33;
41.21 (30) Homeless Youth Act under Minnesota Statutes, sections 256K.45 to 256K.451;
41.22 (29) independent living skills for foster youth under Laws 2023, chapter 70, article 14, section 41;
41.23 (28) legacy adoption assistance under Minnesota Statutes, chapter 259A;
41.24 (27) quality parenting initiative grant program under Minnesota Statutes, section 245.0962;
41.25 (26) relative custody assistance under Minnesota Statutes, section 257.85;
41.26 (25) reimbursement to counties and Tribes for certain out-of-home placements under Minnesota Statutes, section 477A.0126;
41.27 (24) safe harbor shelter and housing under Minnesota Statutes, section 256K.47;
41.28 (23) shelter-linked youth mental health grants under Minnesota Statutes, section 256K.46;
41.29 (22) Supplemental Nutrition Assistance Program outreach under Minnesota Statutes, section 250D.65;
41.30 (21) transitional housing programs under Minnesota Statutes, section 256E.33;

42.10 Subd. 3. Department of Education. The powers and duties of the Department of Education with respect to the following responsibilities and related elements are transferred to the Department of Children, Youth, and Families according to Minnesota Statutes, section 15.039:
42.11 (1) Head Start Program and Early Head Start under Minnesota Statutes, sections 119A.50 to 119A.545;

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

42.6 Sec. 22. Laws 2023, chapter 70, article 12, section 30, subdivision 3, is amended to read:
(2) the early childhood screening program under Minnesota Statutes, sections 121A.16 to 121A.19;

(3) early learning scholarships under Minnesota Statutes, section 124D.15.

(4) the interagency early childhood intervention system under Minnesota Statutes, sections 125A.259 to 125A.48;

(5) voluntary prekindergarten programs and school readiness plus programs under Minnesota Statutes, section 124D.165;

(6) early childhood family education programs under Minnesota Statutes, sections 124D.13 to 124D.135;

(7) school readiness under Minnesota Statutes, sections 124D.15 to 124D.16; and

(8) after-school community learning programs under Minnesota Statutes, section 124D.2211; and

(9) grow your own program under Minnesota Statutes, section 122A.731.

Sec. 17. Laws 2024, chapter 80, article 1, section 38, subdivision 1, is amended to read:

Subdivision 1. Children, youth, and families judges; appointment

Hearings held by the Department of Human Services.

The commissioner of children, youth, and families may appoint one or more state children, youth, and families judges to conduct hearings and recommend orders in accordance with subdivisions 2, 3, and 5. Children, youth, and families judges designated pursuant to this section may administer oaths and shall be under the control and supervision of the commissioner of children, youth, and families and shall not be a part of the Office of Administrative Hearings established pursuant to sections 14.48 to 14.56. The commissioner shall only appoint as a full-time children, youth, and families judge an individual who is licensed to practice law in Minnesota and who is:

1. in active status;

2. an inactive resident;

3. retired;

4. on disabled status;

5. on retired senior status.

All state agency hearings under subdivision 2 must be heard by a human services judge pursuant to sections 256.045 and 256.0451.

Sec. 24. Laws 2024, chapter 80, article 1, section 38, subdivision 2, is amended to read:

Subd. 2. State agency hearings. State agency hearings are available for the following:
(1) any person:

(i) applying for, receiving, or having received public assistance or a program of social services administered by the commissioner or a county agency on behalf of the commissioner or the Federal Food and Nutrition Act; and

(ii) whose application for assistance is denied, not acted upon with reasonable promptness, or whose assistance is suspended, reduced, terminated, or claimed to have been incorrectly paid;

(2) any person whose claim for foster care payment according to a placement of the child resulting from a child protection assessment under chapter 260E is denied or not acted upon with reasonable promptness, regardless of funding source;

(3) any person to whom a right of appeal according to this section is given by other provision of law; and

(4) except as provided under chapter 123L, an individual or facility determined to have maltreated a minor under chapter 260E, after the individual or facility has exhausted the right to administrative reconsideration under chapter 260E;

(5) except as provided under chapter 245C, an individual disqualified under sections 245C.14 and 245C.15, following a reconsideration decision issued under section 245C.23, on the basis of serious or recurring maltreatment; of a preponderance of the evidence that the individual has committed an act or acts that meet the definition of any of the crimes listed in section 245C.15, subdivisions 1 to 4; or for failing to make reports required under section 260E.08, subdivision 1, or 626.557, subdivision 3. Hearings regarding a maltreatment determination under clause (5) and a disqualification under this clause in which the basis for a disqualification is serious or recurring maltreatment shall be consolidated into a single fair hearing. In such cases, the scope of review by the children, youth, and families judge shall include both the maltreatment determination and the disqualification. The failure to exercise the right to an administrative reconsideration shall not be a bar to a hearing under this section if federal law provides an individual the right to a hearing to dispute a finding of maltreatment; and

(6) (4) any person with an outstanding debt resulting from receipt of public assistance or the Federal Food and Nutrition Act who is contesting a setoff claim by the commissioner of children, youth, and families or a county agency. The scope of the appeal is the validity of the claimant agency's intention to request a setoff of a refund under chapter 270A against the debt.

(b) The hearing for an individual or facility under paragraph (a), clause (4) or (5), is the only administrative appeal to the final agency determination specifically, including a challenge to the accuracy and completeness of data under section 13.04. A hearing for an individual on facts under paragraph (a), clause (4) or (5), is only available when there is no district court action pending that arises out of some or all of the events or circumstances on which the

(1) any person:

(i) applying for, receiving, or having received public assistance or a program of social services administered by the commissioner or a county agency on behalf of the commissioner or the Federal Food and Nutrition Act; and

(ii) whose application for assistance is denied, not acted upon with reasonable promptness, or whose assistance is suspended, reduced, terminated, or claimed to have been incorrectly paid;
appeal is based, the administrative review must be suspended until the judicial actions are completed. If the district court proceedings are completed, dismissed, or overturned, the matter may be considered in an administrative hearing.

(2) For purposes of this section, bargaining unit grievance procedures are not an administrative appeal.

(3) The scope of hearings involving claims to foster care payments under paragraph (a), clause (2), shall be limited to the issue of whether the county is legally responsible for a child’s placement under court order or voluntary placement agreement and, if so, the correct amount of foster care payment to be made on the child’s behalf and shall not include review of the propriety of the county’s child protection determination or child placement decision.

(4) An applicant or recipient is not entitled to receive social services beyond the services prescribed under chapter 256M or other social services the person is eligible for under state law.

(5) The commissioner may summarily affirm the county or state agency’s proposed action, decision, or final disposition or within 90 days of such written notice if the applicant, recipient, or relative shows good cause, as defined in section 142A.21, subdivision 5.

(6) The commissioner may summarily affirm the county or state agency’s proposed action, decision, or final disposition without a hearing when the sole issue is an automatic change due to a change in state or federal law.

(7) Unless federal or Minnesota law specifies a different time-frame in which to file an appeal, an individual or organization specified in this section may contest the specified action, decision, or final disposition before the state agency by submitting a written request for a hearing to the state agency within 30 days after receiving written notice of the action, decision, or final disposition or within 90 days of such written notice of the applicant, recipient, patient, or relative above good cause, as defined in section 142A.21, subdivision 13, why the request was not submitted within the 30 day time limit. The individual filing the appeal has the burden of proving good cause by a preponderance of the evidence.

Sec. 25. Laws 2024, chapter 80, article 1, section 38, subdivision 5, is amended to read:

Subd. 5. Orders of the commissioner of children, youth, and families. (a) A state children, youth, and families human services judge shall conduct a hearing on the an appeal of a matter listed in subdivision 2 and shall recommend an order to the commissioner of children, youth, and families. The recommended order must be based on all relevant evidence and must not be limited to a review of the propriety of the state or county agency’s action.

(b) A children, youth, and families state human services judge may take official notice of adjudicative facts. The commissioner of children, youth, and families may accept the recommended order of a state children, youth, and families human services judge and issue the order to the county agency and the applicant, recipient, or former recipient. If the commissioner refuses to accept the recommended order of the state children, youth, and families human services judge, the commissioner shall notify the petitioner or the agency of the commissioner’s refusal and shall state reasons for the refusal. The commissioner shall allow each party ten days’ time to submit additional written argument on the matter. After
the expiration of the ten-day period, the commissioner shall issue an order on the matter to the petitioner and the agency.

(b) A party aggrieved by an order of the commissioner may appeal under subdivision 2 5 or request reconsideration by the commissioner within 30 days after the date the commissioner issues the order. The commissioner may reconsider an order upon request of any party or on the commissioner's own motion. A request for reconsideration does not stay the expiration of the ten-day period, the commissioner shall issue an order on the matter to the petitioner and the agency.

(c) Any order of the commissioner issued under this subdivision shall be conclusive upon the parties unless appeal is taken in the manner provided by subdivision 5 5 or request reconsideration by the commissioner within 30 days after the date the commissioner issues the order. The commissioner may reconsider an order upon request of any party or on the commissioner's own motion. A request for reconsideration does not stay the expiration of the ten-day period, the commissioner shall issue an order on the matter to the petitioner and the agency.

Subd. 6.

youth, and families committed by law to the discretion of the county agency, the burden to demonstrate why the matter should be reconsidered. The request for reconsideration may include legal argument and proposed additional evidence supporting the request. If proposed additional evidence is submitted, the person must explain why the proposed additional evidence was not provided at the time of the hearing. If reconsideration is granted, the other participants must be sent a copy of all material submitted in support of the request for reconsideration and must be given ten days to respond. Upon reconsideration, the commissioner may issue an amended order or an order affirming the original order.

(b) Any party to a hearing held pursuant to subdivision 2 5 or the other participants must be sent a copy of all material submitted in support of the request for reconsideration and must be given ten days to respond. Upon reconsideration, the commissioner may issue an amended order or an order affirming the original order.

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the expiration of the ten-day period, the commissioner shall issue an order on the matter to the petitioner and the agency.

(b) A party aggrieved by an order of the commissioner may appeal under subdivision 2 5 or request reconsideration by the commissioner within 30 days after the date the commissioner issues the order. The commissioner may reconsider an order upon request of any party or on the commissioner's own motion. A request for reconsideration does not stay the expiration of the ten-day period, the commissioner shall issue an order on the matter to the petitioner and the agency.
The commissioner may issue a temporary order staying a proposed demission by a residential facility licensed under chapter 142B.

(1) while an appeal by a recipient under subdivision 3 is pending; or

(2) for the period of time necessary for the case management provider to implement the commissioner's order.

Sec. 27. Laws 2024, chapter 80, article 1, section 38, subdivision 7, is amended to read:

Any party aggrieved by the order of the district court may appeal the order of the district court. Service may be made personally or by mail; service by mail is complete upon mailing. The court administrator shall not require a filing fee or bond for appeals under section 256.045, subdivision 3b. The commissioner may elect to become a party to the proceedings in the district court. Except for appeals under section 256.045, subdivision 3b, any party may demand that the transcript of any testimony, evidence, or other supporting papers from the hearing held before the children, youth, and families state human services judge, by serving a written demand upon the commissioner within 30 days after service of the notice of appeal. Any party aggrieved by the failure of an adverse party to obey an order issued by the commissioner under subdivision 5 may compel performance according to the order in the manner prescribed in sections 586.01 to 586.12.

Sec. 28. Laws 2024, chapter 80, article 1, section 38, subdivision 9, is amended to read:

Subd. 9. Appeal. Any party aggrieved by the order of the district court may appeal the order as in other civil cases. Except for appeals under section 256.045, subdivision 3b, no costs or disbursements shall be taxed against any party nor shall any filing fee or bond be required of any party.

Sec. 29. Laws 2024, chapter 80, article 1, section 96, is amended to read:

The revisor of statutes must renumber sections or subdivisions in Column A as Column B.

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Sec. 21. Laws 2024, chapter 80, article 1, section 38, subdivision 7, is amended to read:

At any time after a notice issued under subdivision 3 has been served, any party may demand that the transcript of any testimony, evidence, or other supporting papers from the hearing held before the children, youth, and families state human services judge, by serving a written demand upon the commissioner within 30 days after service of the notice of appeal. Any party aggrieved by the failure of an adverse party to obey an order issued by the commissioner under subdivision 5 may compel performance according to the order in the manner prescribed in sections 586.01 to 586.12.

Sec. 22. Laws 2024, chapter 80, article 1, section 38, subdivision 9, is amended to read:

Subd. 9. Appeal. Any party aggrieved by the order of the district court may appeal the order as in other civil cases. Except for appeals under section 256.045, subdivision 3b, no costs or disbursements shall be taxed against any party nor shall any filing fee or bond be required of any party.

Sec. 23. Laws 2024, chapter 80, article 1, section 96, is amended to read:

The revisor of statutes must renumber sections or subdivisions in Column A as Column B.

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The revisor of statutes must correct any statutory cross-references consistent with this renumbering.

Sec. 30. Laws 2024, chapter 80, article 2, section 5, subdivision 21, is amended to read:

Subd. 21. Plan for transfer of clients and records upon closure. (a) Except for license holders who reside on the premises and child care providers, an applicant for initial or continuing licensure or certification must submit a written plan indicating how the program or private agency will ensure the transfer of clients and records for both open and closed cases if the program closes. The plan must provide for managing private and confidential information concerning the clients of the program or private agency. The plan must also provide for notifying affected clients of the closure at least 25 days prior to closure, including information on how to access their records. A controlling individual of the program or private agency must annually review and sign the plan.

(b) Plans for the transfer of open cases and case records must specify arrangements the program or private agency will make to transfer clients to another provider or county agency for continuation of services and to transfer the case record with the client.

(c) Plans for the transfer of closed case records must be accompanied by a signed agreement or other documentation indicating that a county or a similarly licensed provider has agreed to accept and maintain the program's or private agency's closed case records and to provide follow-up services as necessary to affected clients.

Sec. 31. Laws 2024, chapter 80, article 2, section 7, subdivision 2, is amended to read:

Subd. 2. County fees for applications and licensing inspections. (a) A county agency may charge a license fee to an applicant or license holder not to exceed $50 for a one-year license or $100 for a two-year license.

(b) Counties may allow providers to pay the applicant fee in paragraph (a) on an installment basis for up to one year. If the provider is receiving child care assistance payments from the state, the provider may have the fee under paragraph (a) deducted from the child care assistance payments for up to one year and the state shall reimburse the county for the county fees collected in this manner.
(c) For purposes of child foster care licensing under this chapter, a county agency may charge a fee to a corporate applicant or corporate license holder to recover the actual cost of licensing inspections, not to exceed $500 annually.

(d) Counties may elect to reduce or waive the fee in paragraph (c) under the following circumstances:

(1) in cases of financial hardship;

(2) if the county has a shortage of providers in the county's area; or

(3) for new providers.

THE FOLLOWING SECTION IS FROM UES4699-2, ART. 10.

UES4699-2

Sec. 32. Laws 2024, chapter 80, article 2, section 10, subdivision 6, is amended to read:

Sec. 33. Laws 2024, chapter 80, article 2, section 16, subdivision 1, is amended to read:
under chapter 245C; to recommend denial of applicants under section 142B.15; to issue correction orders, to issue variances, and to recommend a conditional license under section 142B.16; or to recommend suspending or revoking a license or issuing a fine under section 142B.18, shall comply with rules and directives of the commissioner governing those functions and with this section. The following variances are excluded from the delegation of variance authority and may be issued only by the commissioner:

1. Dual licensure of family child care and family child foster care, dual licensure of family child foster care and family adult foster care, dual licensure of child foster residence setting and community residential setting, and dual licensure of family adult foster care and family child care;

2. Child foster care maximum age requirement;

3. Variances regarding disqualified individuals;

4. Variances to requirements relating to chemical use problems of a license holder or a household member of a license holder; and

5. Variances to section 142B.74 for a time-limited period. If the commissioner grants a variance under this clause, the license holder must provide notice of the variance to all parents and guardians of the children in care;

b) The commissioners of human services and children, youth, and families must both approve a variance for dual licensure of family child foster care and family adult foster care or family adult foster care and family child care. Variances under this paragraph are excluded from the delegation of variance authority and may be issued only by both commissioners.

c) Except as provided in section 142B.41, subdivision 4, paragraph (e), a county agency must not grant a license holder a variance to exceed the maximum allowable family child care license capacity of 14 children.

d) A county agency that has been designated by the commissioner to issue family child care variances must:

1. Publish the county agency's policies and criteria for issuing variances on the county's public website and update the policies as necessary; and

2. Annually distribute the county agency's policies and criteria for issuing variances to all family child care license holders in the county.

Before the implementation of NETStudy 2.0, county agencies must report information about disqualification reconsiderations under sections 245C.25 and 245C.27, subdivision 2, paragraphs (a) and (b), and variances granted under paragraph (a), clause 5, to the commissioner at least monthly in a format prescribed by the commissioner.

For family child care programs, the commissioner shall require a county agency to conduct one unannounced licensing review at least annually.
A license issued under this section may be issued for up to two years.

A county agency shall report to the commissioner, in a manner prescribed by the commissioner, the following information for a licensed family child care program:

1. the results of each licensing review completed, including the date of the review, and any licensing correction order issued;
2. any death, serious injury, or determination of substantiated maltreatment; and
3. any fires that require the service of a fire department within 48 hours of the fire. The information under this clause must also be reported to the state fire marshal within two business days of receiving notice from a licensed family child care provider.

Sec. 34. Laws 2024, chapter 80, article 2, section 30, subdivision 2, is amended to read:

Subd. 2. Maltreatment of minors ongoing training requirement.
(a) In addition to the orientation training required by the applicable licensing rules and statutes, private child-placing agency license holders must provide a training annually on the maltreatment of minors reporting requirements and definitions in chapter 260E to each mandatory reporter, as described in section 260E.06, subdivision 1.

(b) In addition to the orientation training required by the applicable licensing rules and statutes, all family child foster care license holders and caregivers and foster residence setting staff and volunteers who are mandatory reporters as described in section 260E.06, subdivision 1, must complete training each year on the maltreatment of minors reporting requirements and definitions in chapter 260E:

Sec. 35. Laws 2024, chapter 80, article 2, section 31, is amended to read:

Sec. 31. 142B.80 CHILD FOSTER CARE TRAINING REQUIREMENT; MENTAL HEALTH TRAINING; FETAL ALCOHOL SPECTRUM DISORDERS TRAINING.

Prior to a nonemergency placement of a child in a foster care home, the child foster care license holder and caregivers in foster family and treatment foster care settings, and all staff providing care in foster residence settings, must complete two hours of training that addresses the causes, symptoms, and key warning signs of mental health disorders; cultural considerations; and effective approaches for dealing with a child's behaviors. At least one hour of the annual training requirement for the foster family license holder and caregivers, and foster residence staff, must be on children's mental health issues and treatment. Except for providers and services under chapter 245D, the annual training must also include at least one hour of training on fetal alcohol spectrum disorders, which must be counted toward the 12 hours of required in-service training per year. Short-term substitute caregivers are exempt from these requirements. Training curriculum shall be approved by the commissioner of children, youth, and families.
Sec. 36. Laws 2024, chapter 80, article 2, section 74, is amended to read:

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326.25  245A.16, subdivision 9  142B.30, subdivision 9
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326.32  245A.51  142B.71
326.33  245A.52  142B.72
326.34  245A.53  142B.74
326.35  245A.66, subdivision 2  142B.54; subdivision 2
326.36  245A.66, subdivision 3  142B.54; subdivision 3

327.1 The revisor of statutes must correct any statutory cross-references consistent with this
327.2 renumbering.

327.3 Sec. 37. Laws 2024, chapter 80, article 4, section 26, is amended to read:
327.4 Sec. 26. REVISOR INSTRUCTION.

327.5 (a) The revisor of statutes shall renumber each section of Minnesota Statutes listed in
327.6 column A with the number listed in column B. The revisor shall also make necessary
327.7 cross-reference changes consistent with the renumbering. The revisor shall also make any
327.8 technical, language, and other changes necessitated by the renumbering and cross-reference
327.9 changes in this act.
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(b) The revisor of statutes shall codify Laws 2017, First Special Session chapter 5, article 8, section 9, as amended by article 4, section 25, as Minnesota Statutes, section 142D.07.

(c) The revisor of statutes shall change "commissioner of education" to "commissioner of children, youth, and families" and change "Department of Education" to "Department of Children, Youth, and Families" as necessary in Minnesota Statutes, chapters 119A and 120 to 129C, to reflect the changes in this act and Laws 2023, chapter 70, article 12. The revisor shall also make any technical, language, and other changes resulting from the change of term to the statutory language, sentence structure, or both, if necessary to preserve the meaning of the text.

Sec. 25. Laws 2024, chapter 80, article 6, section 4, is amended to read:

(a) The revisor of statutes must renumber each section of Minnesota Statutes in Column A with the number in Column B.

(b) The revisor of statutes shall codify Laws 2017, First Special Session chapter 5, article 8, section 9, as amended by article 4, section 25, as Minnesota Statutes, section 142D.07.

(c) The revisor of statutes shall change "commissioner of education" to "commissioner of children, youth, and families" and change "Department of Education" to "Department of Children, Youth, and Families" as necessary in Minnesota Statutes, chapters 119A and 120 to 129C, to reflect the changes in this act and Laws 2023, chapter 70, article 12. The revisor shall also make any technical, language, and other changes resulting from the change of term to the statutory language, sentence structure, or both, if necessary to preserve the meaning of the text.
(b) The revisor of statutes must correct any statutory cross-references consistent with this renumbering.

Sec. 39.

Laws 2024, chapter 80, article 7, section 4, is amended to read:

Sec. 4.

Minnesota Statutes 2022, section 256J.09, is amended by adding a subdivision to read:

Subd. 11. Domestic violence informational brochure. (a) The commissioner shall provide a domestic violence informational brochure that provides information about the existence of domestic violence waivers to all MFIP applicants. The brochure must explain that eligible applicants may be temporarily waived from certain program requirements due to domestic violence. The brochure must provide information about services and other programs to help victims of domestic violence.

(b) The brochure must be funded with TANF funds.

(c) The commissioner must work with the commissioner of human services to create a brochure that meets the requirements of this section and section 256.029.

Sec. 40.

The responsibility to license child foster residence settings as defined in Minnesota Statutes, section 245A.02, subdivision 6e, does not transfer to the Department of Children.
Youth, and Families under Laws 2023, chapter 70, article 12, section 30, and remains with the Department of Human Services.

Sec. 26. DIRECTION TO THE COMMISSIONER OF CHILDREN, YOUTH, AND FAMILIES; COORDINATION OF SERVICES FOR CHILDREN WITH DISABILITIES AND MENTAL HEALTH.

The commissioner of children, youth, and families shall designate a department leader to be responsible for coordination of services and outcomes around children's mental health and for children with or at risk for disabilities within and between the Department of Children, Youth, and Families; the Department of Human Services; and related agencies.

Sec. 27. REVISOR INSTRUCTION.

The revisor of statutes must correct any statutory cross-references consistent with this act.

Sec. 28. REPEALER.

Laws 2024, chapter 80, article 1, sections 38, subdivisions 3, 4, and 11; 39; and 43, subdivision 2; Laws 2024, chapter 80, article 2, sections 11; subdivision 3, subdivision 4; 10; subdivision 4; 11; subdivision 69; and Laws 2024, chapter 80, article 7, sections 3; and 9, are repealed.

Minnesota Rules, part 9545.0845, is repealed.

Sec. 43. EFFECTIVE DATE; TRANSFER OF RESPONSIBILITIES.

This article is effective July 1, 2024.

Notwithstanding paragraph (a), the powers and responsibilities transferred under this article are effective upon notice of the commissioner of children, youth, and families to the commissioners of administration; management and budget; and other relevant departments along with the secretary of the senate, the chief clerk of the house of representatives; and the chairs and ranking minority members of relevant legislative committees and divisions, pursuant to Laws 2023, chapter 70, article 12, section 30, subdivision 1.

By August 1, 2025, the commissioners of human services and children, youth, and families shall notify the chairs and ranking minority members of relevant legislative committees and divisions and the revisor of statutes of any sections of this article or programs to be transferred that are waiting for federal approval to become effective pursuant to Laws 2023, chapter 70, article 12, section 30, subdivision 1, paragraph (b).