

## CHAPTER 256F

## MINNESOTA FAMILY PRESERVATION ACT

256F.04 Duties of commissioner of human services.

256F.05 Distribution of grants.

256F.06 Duties of county boards.

256F.11 Grant program for crisis nurseries.

256F.12 Grant program for respite care.

**256F.04 DUTIES OF COMMISSIONER OF HUMAN SERVICES.**

Subdivision 1. **Family preservation fund.** The commissioner shall establish a family preservation fund to assist counties in providing placement prevention and family reunification services.

Subd. 2. **Forms and instructions.** The commissioner shall provide necessary forms and instructions to the counties for their community social services plan, as required in section 256E.09, that incorporate the information necessary to apply for a family preservation fund grant, and to exercise county options under section 256F.05, subdivision 8, paragraph (c).

Subd. 3. **Monitoring.** The commissioner shall design and implement methods for monitoring the delivery and evaluating the effectiveness of placement prevention and family reunification services. The commissioner shall monitor the provision of family-based services and conduct evaluations.

*[For text of subd 4, see M.S.1996]*

**History:** 1997 c 7 art 2 s 47; 1997 c 203 art 5 s 12,13

**256F.05 DISTRIBUTION OF GRANTS.**

*[For text of subd 1a, see M.S.1996]*

Subd. 2. **Money available for family preservation.** Money appropriated for family preservation under sections 256F.04 to 256F.07, together with an amount as determined by the commissioner of funds distributed to Minnesota according to United States Code, title 42, chapter 7, subchapter IV, part B, section 621, must be distributed to counties on a calendar year basis according to the formula in subdivision 3.

Subd. 3. **Grant formula.** (a) The amount of money allocated to counties under subdivision 2 shall first be allocated in amounts equal to each county's guaranteed floor according to paragraph (b), and second, any remaining available funds allocated as follows:

(1) 50 percent of the funds shall be allocated based on the population of the county under age 19 years as compared to the state as a whole as determined by the most recent data from the state demographer's office;

(2) 20 percent of funds shall be allocated based on the county's percentage share of the unduplicated number of families who received family preservation services under section 256F.03, subdivision 5, paragraphs (a), (b), (c), and (e), in the most recent calendar year available as determined by the commissioner;

(3) ten percent of the funds shall be allocated based on the county's percentage share of the unduplicated number of children in substitute care in the most recent calendar year available as determined by the commissioner;

(4) ten percent of the funds shall be allocated based on the county's percentage share of the number of determined maltreatment reports in the most recent calendar year available as determined by the commissioner;

(5) five percent of the funds shall be allocated based on the county's percentage share of the number of American Indian children under age 18 residing in the county in the most recent calendar year as determined by the commissioner; and

(6) five percent of the funds shall be allocated based on the county's percentage share of the number of children of color receiving children's case management services as defined by the commissioner based on the most recent data as determined by the commissioner.

(b) Each county's grant guaranteed floor shall be calculated as follows:

(1) 90 percent of the county's allocation received in the preceding calendar year or \$25,000, whichever is greater; and

(2) when the amounts of funds available for allocation is less than the amount available in the previous year, each county's previous year allocation shall be reduced in proportion to the reduction in the statewide funding, for the purpose of establishing the guaranteed floor.

(c) The commissioner shall regularly review the use of family preservation fund allocations by county. The commissioner may reallocate unexpended or unencumbered money at any time among those counties that have expended or are projected to expend their full allocation.

(d) For the period of July 1, 1997, to December 31, 1998, only, each county shall receive an 18-month allocation. For the purposes of determining the guaranteed floor for this 18-month allocation, the allocation received in the preceding calendar year shall be determined by the commissioner based on the funding previously distributed separately under sections 256.8711 and 256F.04.

**Subd. 4. Payments.** The commissioner shall make grant payments to each county whose biennial community social services plan has been approved under section 256F.04, subdivision 2. The grant shall be paid to counties in four installments per year. The commissioner may certify the payments for the first three months of a calendar year. Subsequent payments shall be based on reported expenditures and may be adjusted for anticipated spending patterns.

**Subd. 5.** [Repealed, 1997 c 203 art 5 s 38]

*[For text of subd 6, see M.S.1996]*

**Subd. 7.** [Repealed, 1997 c 203 art 5 s 38]

**Subd. 8. Uses of family preservation fund grants.** (a) A county which has not demonstrated that year that its family preservation core services are developed as provided in subdivision 1a, must use its family preservation fund grant exclusively for family preservation services defined in section 256F.03, subdivision 5, paragraphs (a), (b), (c), and (e).

(b) A county which has demonstrated that year that its family preservation core services are developed becomes eligible either to continue using its family preservation fund grant as provided in paragraph (a), or to exercise the expanded service option under paragraph (c).

(c) The expanded service option permits an eligible county to use its family preservation fund grant for child welfare preventive services. For purposes of this section, child welfare preventive services are those services directed toward a specific child or family that further the goals of section 256F.01 and include assessments, family preservation services, service coordination, community-based treatment, crisis nursery services when the parents retain custody and there is no voluntary placement agreement with a child-placing agency, respite care except when it is provided under a medical assistance waiver, home-based services, and other related services. For purposes of this section, child welfare preventive services shall not include shelter care or other placement services under the authority of the court or public agency to address an emergency. To exercise this option, an eligible county must notify the commissioner in writing of its intention to do so no later than 30 days into the quarter during which it intends to begin or in its county plan, as provided in section 256F.04, subdivision 2. Effective with the first day of that quarter, the county must maintain its base level of expenditures for child welfare preventive services and use the family preservation fund to expand them. The base level of expenditures for a county shall be that established under section 256F.10, subdivision 7. For counties which have no such base established, a comparable base shall be established with the base year being the calendar year ending at least two calendar quarters before the first calendar quarter in which the county exercises its expanded service option. The commissioner shall, at the request of the counties, reduce, suspend, or eliminate either or both of a county's obligations to continue the base level of expenditures and to expand child welfare preventive services under extraordinary circumstances.

**History:** 1997 c 203 art 5 s 14-17

**NOTE:** Subdivision 5 was also amended by Laws 1997, chapter 85, article 4, section 20, to read as follows:

"Subd. 5. **Inappropriate expenditures.** Family preservation fund basic, placement earnings, and development grant money must not be used for:

- (1) child day care necessary solely because of the employment or training to prepare for employment, of a parent or other relative with whom the child is living;
- (2) residential facility payments;
- (3) adoption assistance payments;
- (4) public assistance payments for aid to families with dependent children, Minnesota family investment program—statewide, supplemental aid, medical assistance, general assistance, general assistance medical care, or community health services authorized by sections 145A.09 to 145A.13; or
- (5) administrative costs for local social services agency public assistance staff."

## 256F.06 DUTIES OF COUNTY BOARDS.

Subdivision 1. **Responsibilities.** A county board may, alone or in combination with other county boards, apply for a family preservation fund grant as provided in section 256F.04, subdivision 2. Upon approval of the grant, the county board may contract for or directly provide family-based and other eligible services. A county board may contract with or directly provide eligible services to children and families through a local collaborative.

Subd. 2. **Developing family preservation core services.** When a county can demonstrate that its family preservation core services are developed as provided in section 256F.05, subdivision 1a, a county board becomes eligible to exercise the expanded service option under section 256F.05, subdivision 8, paragraph (c).

*[For text of subd 4, see M.S.1996]*

**History:** 1997 c 203 art 5 s 18,19

## 256F.09 Subdivision 1. MS 1996 [Renumbered 119A.37, subd 1]

- Subd. 1a. MS 1996 [Renumbered 119A.37, subd 2]
- Subd. 2. MS 1996 [Renumbered 119A.37, subd 3]
- Subd. 3. MS 1996 [Renumbered 119A.37, subd 4]
- Subd. 4. MS 1994 [Repealed, 1995 c 207 art 4 s 44]
- Subd. 5. MS 1996 [Renumbered 119A.37, subd 5]

## 256F.11 GRANT PROGRAM FOR CRISIS NURSERIES.

*[For text of subd 1, see M.S.1996]*

Subd. 2. **Fund distribution.** In distributing funds, the commissioner shall give priority consideration to agencies and organizations with experience in working with abused or neglected children and their families, and with children at high risk of abuse and neglect and their families, and serve communities which demonstrate the greatest need for these services. Funds shall be distributed to crisis nurseries according to a formula developed by the commissioner in consultation with the Minnesota crisis nursery association. This formula shall include funding for all existing crisis nursery programs that meet program requirements as specified in paragraph (a), and consideration of factors reflecting the need for services in each service area, including, but not limited to, the number of children 18 years of age and under living in the service area, the percent of children 18 years of age and under living in poverty in the service area, and factors reflecting the cost of providing services, including, but not limited to, the number of days of service provided in the previous year. At least 25 percent of available funds for state fiscal year 1998 shall be set aside to accomplish any of the following: establish new crisis nursery programs; increase statewide availability of crisis nursery services; and enhance or expand services at existing crisis nursery programs.

(a) The crisis nurseries must:

- (1) be available 24 hours a day, seven days a week;
- (2) provide services for children up to three days at any one time;
- (3) make referrals for parents to counseling services and other community resources to help alleviate the underlying cause of the precipitating stress or crisis;

- (4) provide services without a fee for a maximum of 30 days in any year;
- (5) provide services to children from birth to 12 years of age;
- (6) provide an initial assessment and intake interview conducted by a skilled professional who will identify the presenting problem and make an immediate referral to an appropriate agency or program to prevent maltreatment and out-of-home placement of children;
- (7) maintain the clients' confidentiality to the extent required by law, and also comply with statutory reporting requirements which may mandate a report to child protective services;
- (8) contain a volunteer component;
- (9) provide preservice training and ongoing training to providers and volunteers;
- (10) evaluate the services provided by documenting use of services, the result of family referrals made to community resources, and how the services reduced the risk of maltreatment;
- (11) provide age appropriate programming;
- (12) provide developmental assessments;
- (13) provide medical assessments as determined by using a risk screening tool;
- (14) meet United States Department of Agriculture regulations concerning meals and provide three meals a day and three snacks during a 24-hour period; and
- (15) provide appropriate sleep and nap arrangements for children.

(b) The crisis nurseries are encouraged to provide:

- (1) on-site support groups for facility model programs, or agency sponsored parent support groups for volunteer family model programs;
- (2) parent education classes or programs that include parent-child interaction; and
- (3) opportunities for parents to volunteer, if appropriate, to assist with child care in a supervised setting in order to enhance their parenting skills and self-esteem, in addition to providing them the opportunity to give something back to the program.

(c) Parents shall retain custody of their children during placement in a crisis facility.

The crisis nurseries are encouraged to include one or more parents who have used the crisis nursery services on the program's multidisciplinary advisory board.

Subd. 3. [Repealed, 1997 c 7 art 2 s 67]

**History:** 1997 c 203 art 5 s 20

## **256F.12 GRANT PROGRAM FOR RESPITE CARE.**

*[For text of subds 1 to 4, see M.S.1996]*

Subd. 5. [Repealed, 1997 c 7 art 2 s 67]