CHAPTER 256M

VULNERABLE CHILDREN AND ADULTS

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256M.001 MS 2006 [Renumbered 15.001]

256M.01 CITATION.

Sections 256M.01 to 256M.80 may be cited as the "Vulnerable Children and Adults Act." This act establishes a fund to address the needs of vulnerable children and adults within each county in accordance with a service plan entered into by the board of county commissioners of each county and the commissioner.

History: *1Sp2003 c 14 art 11 s 1; 1Sp2011 c 9 art 1 s 20*

256M.10 DEFINITIONS.

Subdivision 1. **Scope.** For the purposes of sections 256M.01 to 256M.80, the terms defined in this section have the meanings given them.

Subd. 2. **Vulnerable children and adults services.** (a) "Vulnerable children and adults services" means services provided or arranged for by county boards for vulnerable children under chapters 260C and 260E, and adults under section 626.557 who experience dependency, abuse, or neglect, as well as services for family members to support those individuals. These services may be provided by professionals or nonprofessionals, including the person's natural supports in the community. For the purpose of this chapter, "vulnerable children" means children and adolescents.

(b) Vulnerable children and adults services do not include services under the public assistance programs known as the Minnesota family investment program, Minnesota supplemental aid, medical assistance, general assistance, MinnesotaCare, or community health services.

Subd. 3. **Commissioner.** "Commissioner" means the commissioner of human services.

Subd. 4. **County board.** "County board" means the board of county commissioners in each county.

Subd. 5. MS 2010 [Repealed, 1Sp2011 c 9 art 1 s 35]

Subd. 6. **Human Services Board.** "Human Services Board" means a board established under section 402.02; Laws 1974, chapter 293; or Laws 1976, chapter 340.

History: *1Sp2003 c 14 art 11 s 2,11; 2005 c 10 art 1 s 58; 1Sp2011 c 9 art 1 s 21; 2016 c 158 art 2 s 111; 1Sp2020 c 2 art 8 s 105*

256M.20 DUTIES OF COMMISSIONER OF HUMAN SERVICES.

Subdivision 1. **General supervision.** Each year the commissioner shall allocate funds to each county with an approved service plan according to section 256M.40 and service plans under section 256M.30. The

funds shall be used to address the needs of vulnerable children and adults. The commissioner, in consultation with counties, shall provide technical assistance and evaluate county performance in achieving outcomes.

Subd. 2. **Additional duties.** The commissioner shall:

(1) provide necessary information and assistance to each county for establishing baselines and desired improvements on safety, permanency, and well-being for vulnerable children and adults;

(2) provide training, technical assistance, and other supports to each county board to assist in needs assessment, planning, implementation, and monitoring of outcomes and service quality;

(3) use data collection, evaluation of service outcomes, and the review and approval of county service plans to supervise county performance in the delivery of services;

(4) specify requirements for reports, including fiscal reports to account for funds distributed;

(5) request waivers from federal programs as necessary to implement this section; and

(6) have authority under sections 14.055 and 14.056 to grant a variance to existing state rules as needed to eliminate barriers to achieving desired outcomes.

Subd. 3. **Sanctions.** The commissioner shall establish and maintain a monitoring program designed to reduce the possibility of noncompliance with federal laws, regulations, and performance standards that may result in federal fiscal sanctions. If a county is not complying with federal law or federal regulation and the noncompliance may result in federal fiscal sanctions, the commissioner may withhold a portion of the county's share of state and federal funds for that program. The amount withheld must be equal to the percentage difference between the level of compliance maintained by the county and the level of compliance required by the federal regulations, multiplied by the county's share of state and federal funds for the program. The state and federal funds may be withheld until the county is found to be in compliance with all federal laws or federal regulations applicable to the program. If a county remains out of compliance for more than six consecutive months, the commissioner may reallocate the withheld funds to counties that are in compliance with the federal regulations.

Subd. 4. **Corrective action procedure.** The commissioner must comply with the following procedures when reducing county funds under subdivision 3.

(a) The commissioner shall notify the county, by certified mail, of the statute, rule, federal law, or federal regulation with which the county has not complied.

(b) The commissioner shall give the county 30 days to demonstrate to the commissioner that the county is in compliance with the statute, rule, federal law, or federal regulation cited in the notice or to develop a corrective action plan to address the problem. Upon request from the county, the commissioner shall provide technical assistance to the county in developing a corrective action plan. The county shall have 30 days from the date the technical assistance is provided to develop the corrective action plan.

(c) The commissioner shall take no further action if the county demonstrates compliance with the statute, rule, federal law, or federal regulation cited in the notice.

(d) The commissioner shall review and approve or disapprove the corrective action plan within 30 days after the commissioner receives the corrective action plan.

(e) If the commissioner approves the corrective action plan submitted by the county, the county has 90 days after the date of approval to implement the corrective action plan.

(f) If the county fails to demonstrate compliance or fails to implement the corrective action plan approved by the commissioner, the commissioner may reduce the county's share of state or federal funds according to subdivision 3.

History: *1Sp2003 c 14 art 11 s 3; 1Sp2011 c 9 art 1 s 22-24*

256M.30 SERVICE PLAN.

Subdivision 1. **Service plan submitted to commissioner.** Effective January 1, 2012, each county must have a service plan approved by the commissioner in order to receive funds. Counties may submit multicounty or regional service plans. Plans must be updated as needed to reflect current county policy and procedures regarding requirements and use of funds under this chapter.

Subd. 2. **Contents.** The service plan shall be completed in a form prescribed by the commissioner. The plan must include:

(1) a statement of the needs of the vulnerable children and adults who experience the conditions defined in section 256M.10, subdivision 2, paragraph (a), and strengths and resources available in the community to address those needs;

(2) strategies the county will pursue to achieve the performance targets. Strategies must include specification of how funds under this section and other community resources will be used to achieve desired performance targets;

(3) a description of the county's process to solicit public input and a summary of that input;

(4) performance targets on statewide indicators for each county to measure outcomes of vulnerable children and adult's safety, permanency, and well-being. The commissioner shall consult with counties and other stakeholders to develop these indicators and collect baseline data to inform the establishment of individual county performance targets for the 2012-2013 biennium and subsequent years; and

(5) a budget for services to be provided with funds under this section.

Subd. 3. MS 2010 [Repealed by amendment, 1Sp2011 c 9 art 1 s 25]

Subd. 4. **Information.** The commissioner shall provide each county with information and technical assistance needed to complete the service plan, including: information on child and adult safety, permanency, and well-being in the county; comparisons with other counties; baseline performance on outcome measures; and promising program practices.

Subd. 5. **Timelines.** The service plan must be submitted to the commissioner by October 15, 2011.

Subd. 6. **Public comment.** The county board must determine how citizens in the county will participate in the development of the service plan and provide opportunities for such participation. The county must allow a period of no less than 30 days prior to the submission of the plan to the commissioner to solicit comments from the public on the contents of the plan.

Subd. 7. **Commissioner's responsibilities.** The commissioner must inform the county if the service plan has been approved. If the service plan is not approved, the commissioner must inform the county of any revisions needed for approval.

History: *1Sp2003 c 14 art 11 s 4; 2005 c 98 art 3 s 20; 1Sp2011 c 9 art 1 s 25*

256M.40 GRANT ALLOCATION.

Subdivision 1. **Formula.** The commissioner shall allocate state funds appropriated under this chapter to each county board on a calendar year basis in an amount determined according to the formula in paragraphs (a) to (e).

(a) For calendar years 2011 and 2012, the commissioner shall allocate available funds to each county in proportion to that county's share in calendar year 2010.

(b) For calendar year 2013 and each calendar year thereafter, the commissioner shall allocate available funds to each county as follows:

(1) 75 percent must be distributed on the basis of the county share in calendar year 2012;

(2) five percent must be distributed on the basis of the number of persons residing in the county as determined by the most recent data of the state demographer;

(3) ten percent must be distributed on the basis of the number of vulnerable children that are subjects of reports under chapters 260C and 260E, and in the county as determined by the most recent data of the commissioner; and

(4) ten percent must be distributed on the basis of the number of vulnerable adults that are subjects of reports under section 626.557 in the county as determined by the most recent data of the commissioner.

(c) The commissioner is precluded from changing the formula under this subdivision or recommending a change to the legislature without public review and input.

Subd. 2. MS 2004 [Repealed, 1Sp2005 c 4 art 3 s 20]

Subd. 3. **Payments.** Calendar year allocations under subdivision 1 shall be paid to counties on or before July 10 of each year.

History: *1Sp2003 c 14 art 11 s 5; 1Sp2005 c 4 art 5 s 14; 2006 c 212 art 1 s 26 subd 7; 1Sp2011 c 9 art 1 s 26; 2013 c 108 art 3 s 34; 1Sp2020 c 2 art 8 s 106*

256M.41 CHILD WELFARE GRANT ALLOCATION.

Subdivision 1. **Formula for county staffing funds.** (a) The commissioner shall allocate state funds appropriated under this section to each county board on a calendar year basis in an amount determined according to the following formula:

(1) 50 percent must be distributed on the basis of the child population residing in the county as determined by the most recent data of the state demographer;

(2) 25 percent must be distributed on the basis of the number of screened-in reports of child maltreatment under chapter 260E, and in the county as determined by the most recent data of the commissioner; and

(3) 25 percent must be distributed on the basis of the number of open child protection case management cases in the county as determined by the most recent data of the commissioner.

(b) Notwithstanding this subdivision, no county shall be awarded an allocation of less than $75,000.

Subd. 2. **Prohibition on supplanting existing funds.** Funds received under this section must be used to address staffing for child protection or expand child protection services. Funds must not be used to supplant current county expenditures for these purposes.

Subd. 3. **Payments.** The commissioner shall make payments under this section to each county on or before July 10 of each year.

Subd. 4. **County performance on child protection measures.** The commissioner shall set child protection measures and standards. The commissioner shall require an underperforming county to demonstrate that the county designated sufficient funds and implemented a reasonable strategy to improve child protection performance, including the provision of a performance improvement plan and additional remedies identified by the commissioner. The commissioner may redirect up to 20 percent of a county's funds under this section toward the performance improvement plan. Sanctions under section 256M.20, subdivision 3, related to noncompliance with federal performance standards also apply.

History: *2015 c 71 art 1 s 46; 1Sp2019 c 9 art 1 s 21,22; 1Sp2020 c 2 art 8 s 107*

256M.42 ADULT PROTECTION GRANT ALLOCATIONS.

Subdivision 1. **Formula.** (a) The commissioner shall allocate state money appropriated under this section on an annual basis to each county board for adult protection under section 626.557 and to Tribal Nations that have voluntarily chosen by resolution of Tribal government to participate in vulnerable adult protection programs according to the following formula after the award of the amounts in paragraph (c):

(1) 25 percent must be allocated to the responsible agency on the basis of the number of reports of suspected vulnerable adult maltreatment under sections 626.557 and 626.5572, as determined by the most recent data of the commissioner; and

(2) 75 percent must be allocated to the responsible agency on the basis of the number of screened-in reports for adult protective services or vulnerable adult maltreatment investigations under sections 626.557 and 626.5572, as determined by the most recent data of the commissioner.

(b) Notwithstanding paragraph (a), the commissioner must not award a county less than a minimum allocation established by the commissioner.

(c) To receive money under this subdivision, a participating Tribal Nation must apply to the commissioner. Of the amount appropriated for purposes of this section, the commissioner must award $100,000 to each federally recognized Tribal Nation that has applied to the commissioner and has a Tribal resolution establishing a vulnerable adult protection program. Money received by a Tribal Nation under this section must be used for its vulnerable adult protection program.

Subd. 2. **Payment.** The commissioner shall make allocations for the state fiscal year starting July 1, 2023, and to each county board or Tribal government on or before October 10, 2023. The commissioner shall make allocations under subdivision 1 to each county board or Tribal government each year thereafter on or before July 10.

Subd. 3. **Purpose of expenditures.** Money received under this section must be used to meet the agency's duties under section 626.557 and to expand adult protective services to stop, prevent, and reduce risks of maltreatment for adults accepted for services under section 626.557, or for multidisciplinary teams under section 626.5571.

Subd. 4. **Required expenditures.** State money must be used to expand, not supplant, county or Tribal expenditures for the fiscal year 2023 base for adult protection programs, service interventions, or multidisciplinary teams. A county receiving money under this section must maintain a level of yearly county expenditures for adult protection services under chapter 626 at least equal to that county's average expenditures for those services for calendar years 2022 and 2023.

Subd. 5. **County performance on adult protection measures.** The commissioner must set vulnerable adult protection measures and standards for money received under this section. The commissioner must require an underperforming county to demonstrate that the county designated money allocated under this section for the purpose required and implemented a reasonable strategy to improve adult protection performance, including the development of a performance improvement plan and additional remedies identified by the commissioner. The commissioner may redirect up to 20 percent of an underperforming county's money under this section toward the performance improvement plan.

Subd. 6. **American Indian adult protection.** Tribal Nations receiving money under this section must establish vulnerable adult protection measures and standards and report annually to the commissioner on these outcomes and the number of adults served.

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.

History: *2019 c 60 art 4 s 30; 2023 c 61 art 2 s 7; 2024 c 115 art 16 s 25*

256M.50 FEDERAL GRANT ALLOCATION.

In federal fiscal year 2012 and subsequent years, money for social services received from the federal government to reimburse counties for social service expenditures according to title XX of the Social Security Act shall be allocated to each county according to section 256M.40, except for funds allocated for administrative purposes and migrant day care. Title XX funds must not be used for any expenditures prohibited by section 2005 of the Social Security Act and all federal certification requirements under title XX must be met by counties receiving title XX funds under this chapter.

History: *1Sp2003 c 14 art 11 s 6; 1Sp2011 c 9 art 1 s 27*

256M.60 DUTIES OF COUNTY BOARDS.

Subdivision 1. **Responsibilities.** The county board of each county shall be responsible for administration and funding of services as defined in section 256M.10, subdivision 1. Each county board shall singly or in combination with other county boards use funds available to the county under Laws 2003, First Special Session chapter 14, to carry out these responsibilities.

Subd. 2. MS 2010 [Repealed, 1Sp2011 c 9 art 1 s 35]

Subd. 3. **Reports.** The county board shall provide necessary reports and data as required by the commissioner.

Subd. 4. **Contracts for services.** The county board may contract with a human services board, a multicounty board established by a joint powers agreement, other political subdivisions, a children's mental health collaborative, a family services collaborative, or private organizations in discharging its duties.

Subd. 5. **Exemption from liability.** The state of Minnesota, the county boards, or the agencies acting on behalf of the county boards in the implementation and administration of children and community services shall not be liable for damages, injuries, or liabilities sustained through the purchase of services by the individual, the individual's family, or the authorized representative under this section.

Subd. 6. **Fees for services.** The county board may establish a schedule of fees based upon clients' ability to pay to be charged to recipients of children and community services. Payment, in whole or in part, for services may be accepted from any person except that no fee may be charged to persons or families whose adjusted gross household income is below the federal poverty level. When services are provided to any person, including a recipient of aids administered by the federal, state, or county government, payment of any charges due may be billed to and accepted from a public assistance agency or from any public or private corporation.

History: *1Sp2003 c 14 art 11 s 7; 1Sp2011 c 9 art 1 s 28*

256M.70 FISCAL LIMITATIONS.

Subdivision 1. MS 2010 [Repealed, 1Sp2011 c 9 art 1 s 35]

Subd. 2. **Identification of services to be provided.** If a county has made reasonable efforts to provide services according to the service plan under section 256M.30, but funds appropriated for purposes of sections 256M.01 to 256M.80 are insufficient, then the county may limit services that do not meet the following criteria while giving the highest funding priority to clauses (1) and (2):

(1) services needed to protect individuals from maltreatment, abuse, and neglect;

(2) emergency and crisis services needed to protect clients from physical, emotional, or psychological harm;

(3) services that maintain a person in the person's home or least restrictive setting;

(4) assessment of persons applying for services and referral to appropriate services when necessary; and

(5) public guardianship services.

Subd. 3. **Denial, reduction, or termination of services due to fiscal limitations.** Before a county denies, reduces, or terminates services to an individual due to fiscal limitations, the county must meet the requirements in this section. The county must notify the individual and the individual's guardian in writing of the reason for the denial, reduction, or termination of services and must inform the individual and the individual's guardian in writing that the county will, upon request, meet to discuss alternatives before services are terminated or reduced.

History: *1Sp2003 c 14 art 11 s 8; 1Sp2011 c 9 art 1 s 29*

256M.80 PROGRAM EVALUATION.

Subdivision 1. **County evaluation.** Each county shall submit to the commissioner data from the past calendar year on the outcomes and performance indicators in the service plan. The commissioner shall prescribe standard methods to be used by the counties in providing the data. The data shall be submitted no later than March 1 of each year.

Subd. 2. **Statewide evaluation.** Six months after the end of the first full calendar year and annually thereafter, the commissioner shall make public the counties' progress in improving the outcomes of vulnerable children and adults related to safety, permanency, and well-being.

History: *1Sp2003 c 14 art 11 s 9; 1Sp2011 c 9 art 1 s 30*

256M.90 [Renumbered 256.0112]