

..... moves to amend S.F. No. 3656, the second engrossment, the Article 28 Children and Families; Licensing delete everything amendment (A18-0946), in conference committee, as follows:

Page 442, delete article 28 and insert:

"ARTICLE 28

CHILDREN AND FAMILIES; LICENSING

Section 1. Minnesota Statutes 2016, section 119B.011, is amended by adding a subdivision to read:

Subd. 13b. **Homeless.** "Homeless" means a self-declared housing status as defined in the McKinney-Vento Homeless Assistance Act and United States Code, title 42, section 11302, paragraph (a).

EFFECTIVE DATE. This section is effective August 12, 2019.

Sec. 2. Minnesota Statutes 2016, section 119B.011, subdivision 19, is amended to read:

Subd. 19. **Provider.** "Provider" means: (1) an individual or child care center or facility; ~~either licensed or unlicensed~~, providing licensed legal child care services as defined under section 245A.03; ~~or~~ (2) a license exempt center required to be certified under chapter 245G;

(3) an individual or child care center or facility holding that:

(i) holds a valid child care license issued by another state or a tribe and providing;

(ii) provides child care services in the licensing state or in the area under the licensing tribe's jurisdiction; and

(iii) is in compliance with federal health and safety requirements as certified by the licensing state or tribe, or as determined by receipt of child care development block grant funds in the licensing state; or

(4) a legal nonlicensed child care provider as defined under section 119B.011, subdivision 16, providing legal child care services. A ~~legally unlicensed family~~ legal nonlicensed child care provider must be at least 18 years of age, and not a member of the MFIP assistance unit or a member of the family receiving child care assistance to be authorized under this chapter.

EFFECTIVE DATE. This section is effective September 24, 2018.

Sec. 3. Minnesota Statutes 2017 Supplement, section 119B.011, subdivision 20, is amended to read:

Subd. 20. **Transition year families.** "Transition year families" means families who have received MFIP assistance, or who were eligible to receive MFIP assistance after choosing to discontinue receipt of the cash portion of MFIP assistance under section 256J.31, subdivision 12, or families who have received DWP assistance under section 256J.95 for at least ~~three~~ one of the last six months before losing eligibility for MFIP or DWP. Notwithstanding Minnesota Rules, parts 3400.0040, subpart 10, and 3400.0090, subpart 2, transition year child care may be used to support employment, approved education or training programs, or job search that meets the requirements of section 119B.10. Transition year child care is not available to families who have been disqualified from MFIP or DWP due to fraud.

EFFECTIVE DATE. This section is effective October 8, 2018.

Sec. 4. Minnesota Statutes 2016, section 119B.02, subdivision 7, is amended to read:

Subd. 7. **Child care market rate survey.** ~~Biennially,~~ The commissioner shall conduct the next survey of prices charged by child care providers in Minnesota in state fiscal year 2021 and every three years thereafter to determine the 75th percentile for like-care arrangements in county price clusters.

Sec. 5. Minnesota Statutes 2017 Supplement, section 119B.025, subdivision 1, is amended to read:

Subdivision 1. **Applications.** (a) Except as provided in paragraph (c), clause (4), the county shall verify the following at all initial child care applications using the universal application:

- 3.1 (1) identity of adults;
- 3.2 (2) presence of the minor child in the home, if questionable;
- 3.3 (3) relationship of minor child to the parent, stepparent, legal guardian, eligible relative
- 3.4 caretaker, or the spouses of any of the foregoing;
- 3.5 (4) age;
- 3.6 (5) immigration status, if related to eligibility;
- 3.7 (6) Social Security number, if given;
- 3.8 (7) counted income;
- 3.9 (8) spousal support and child support payments made to persons outside the household;
- 3.10 (9) residence; and
- 3.11 (10) inconsistent information, if related to eligibility.
- 3.12 (b) The county must mail a notice of approval or denial of assistance to the applicant
- 3.13 within 30 calendar days after receiving the application. The county may extend the response
- 3.14 time by 15 calendar days if the applicant is informed of the extension.
- 3.15 (c) For an applicant who declares that the applicant is homeless and who meets the
- 3.16 definition of homeless in section 119B.011, subdivision 13b, the county must:
- 3.17 (1) if information is needed to determine eligibility, send a request for information to
- 3.18 the applicant within five working days after receiving the application;
- 3.19 (2) if the applicant is eligible, send a notice of approval of assistance within five working
- 3.20 days after receiving the application;
- 3.21 (3) if the applicant is ineligible, send a notice of denial of assistance within 30 days after
- 3.22 receiving the application. The county may extend the response time by 15 calendar days if
- 3.23 the applicant is informed of the extension;
- 3.24 (4) not require verifications required by paragraph (a) before issuing the notice of approval
- 3.25 or denial; and
- 3.26 (5) follow limits set by the commissioner for how frequently expedited application
- 3.27 processing may be used for an applicant who declares that the applicant is homeless.
- 3.28 (d) An applicant who declares that the applicant is homeless must submit proof of
- 3.29 eligibility within three months of the date the application was received. If proof of eligibility

is not submitted within three months, eligibility ends. A 15-day adverse action notice is required to end eligibility.

EFFECTIVE DATE. This section is effective August 12, 2019.

Sec. 6. Minnesota Statutes 2016, section 119B.03, subdivision 9, is amended to read:

Subd. 9. **Portability pool.** (a) The commissioner shall establish a pool of up to five percent of the annual appropriation for the basic sliding fee program to provide continuous child care assistance for eligible families who move between Minnesota counties. At the end of each allocation period, any unspent funds in the portability pool must be used for assistance under the basic sliding fee program. If expenditures from the portability pool exceed the amount of money available, the reallocation pool must be reduced to cover these shortages.

(b) ~~To be eligible for portable basic sliding fee assistance,~~ A family that has moved from a county in which it was receiving basic sliding fee assistance to a county with a waiting list for the basic sliding fee program must:

(1) meet the income and eligibility guidelines for the basic sliding fee program; and

(2) ~~notify the new county of residence within 60 days of moving and submit information to the new county of residence to verify eligibility for the basic sliding fee program~~ the family's previous county of residence of the family's move to a new county of residence.

(c) The receiving county must:

(1) accept administrative responsibility for applicants for portable basic sliding fee assistance at the end of the two months of assistance under the Unitary Residency Act;

(2) continue portability pool basic sliding fee assistance ~~for the lesser of six months or~~ until the family is able to receive assistance under the county's regular basic sliding program; and

(3) notify the commissioner through the quarterly reporting process of any family that meets the criteria of the portable basic sliding fee assistance pool.

EFFECTIVE DATE. This section is effective October 8, 2018.

Sec. 7. Minnesota Statutes 2017 Supplement, section 119B.06, subdivision 1, is amended to read:

Subdivision 1. **Commissioner to administer block grant.** The commissioner is authorized and directed to receive, administer, and expend child care funds available under

the child care and development block grant authorized under the Child Care and Development Block Grant Act of 2014, Public Law 113-186. From the discretionary amounts provided for federal fiscal year 2018 and reserved for quality activities, the commissioner shall ensure that funds are prioritized to increase the availability of training and business planning assistance for child care providers.

Sec. 8. Minnesota Statutes 2016, section 119B.06, is amended by adding a subdivision to read:

Subd. 4. Administration of additional funds. If the state of Minnesota receives additional federal child care development block grant funds (CCDBG) in federal fiscal year 2018 under the federal Consolidated Appropriations Act of 2018, Public Law 115-141, and any subsequent federal appropriation for federal fiscal year 2019, compared to CCDBG funds received in federal fiscal year 2017, the commissioner shall allocate the additional funds to provisions enacted in state law in 2018 to comply with the Child Care Development Block Grant Act of 2014, and to child care provider rates under section 119B.13. The commissioner shall allocate the additional federal funds to maximize child care rates during the time the additional federal funding is available. The commissioner must allocate any additional federal funding received after federal fiscal year 2019, at the level received in federal fiscal year 2019, to compliance provisions enacted in state law in 2018 and to child care rates under section 119B.13. If federal CCDBG funds are less than the amount received in federal fiscal year 2017, the commissioner, in consultation with the commissioner of management and budget, shall administer funding for child care programs to ensure that the amount of general fund money allocated to child care programs does not increase to replace the reduction in federal CCDBG funds.

Sec. 9. Minnesota Statutes 2017 Supplement, section 119B.09, subdivision 1, is amended to read:

Subdivision 1. General eligibility requirements. (a) Child care services must be available to families who need child care to find or keep employment or to obtain the training or education necessary to find employment and who:

(1) have household income less than or equal to 67 percent of the state median income, adjusted for family size, at application and redetermination, and meet the requirements of section 119B.05; receive MFIP assistance; and are participating in employment and training services under chapter 256J; or

(2) have household income less than or equal to 47 percent of the state median income, adjusted for family size, at application and less than or equal to 67 percent of the state median income, adjusted for family size, at redetermination.

(b) Child care services must be made available as in-kind services.

(c) All applicants for child care assistance and families currently receiving child care assistance must be assisted and required to cooperate in establishment of paternity and enforcement of child support obligations for all children in the family at application and redetermination as a condition of program eligibility. For purposes of this section, a family is considered to meet the requirement for cooperation when the family complies with the requirements of section 256.741.

(d) All applicants for child care assistance and families currently receiving child care assistance must pay the co-payment fee under section 119B.12, subdivision 2, as a condition of eligibility. The co-payment fee may include additional recoupment fees due to a child care assistance program overpayment.

(e) If a family has one child with a child care authorization and the child turns 13 years of age or the child has a disability and turns 15 years of age, the family remains eligible until the redetermination.

EFFECTIVE DATE. This section is effective October 8, 2018.

Sec. 10. Minnesota Statutes 2017 Supplement, section 119B.095, subdivision 2, is amended to read:

Subd. 2. **Maintain steady child care authorizations.** (a) Notwithstanding Minnesota Rules, chapter 3400, the amount of child care authorized under section 119B.10 for employment, education, or an MFIP or DWP employment plan shall continue at the same number of hours or more hours until redetermination, including:

(1) when the other parent moves in and is employed or has an education plan under section 119B.10, subdivision 3, or has an MFIP or DWP employment plan; or

(2) when the participant's work hours are reduced or a participant temporarily stops working or attending an approved education program. Temporary changes include, but are not limited to, a medical leave, seasonal employment fluctuations, or a school break between semesters.

(b) The county may increase the amount of child care authorized at any time if the participant verifies the need for increased hours for authorized activities.

(c) The county may reduce the amount of child care authorized if a parent requests a reduction or because of a change in:

(1) the child's school schedule;

(2) the custody schedule; or

(3) the provider's availability.

(d) The amount of child care authorized for a family subject to subdivision 1, paragraph (b), must change when the participant's activity schedule changes. Paragraph (a) does not apply to a family subject to subdivision 1, paragraph (b).

(e) When a child reaches 13 years of age or a child with a disability reaches 15 years of age, the amount of child care authorized shall continue at the same number of hours or more hours until redetermination.

EFFECTIVE DATE. This section is effective October 8, 2018.

Sec. 11. Minnesota Statutes 2017 Supplement, section 119B.095, is amended by adding a subdivision to read:

Subd. 3. **Assistance for persons who are experiencing homelessness.** An applicant who is homeless and eligible for child care assistance under this chapter is eligible for 60 hours of child care assistance per service period for three months from the date the county receives the application. Additional hours may be authorized as needed based on the applicant's participation in employment, education, or MFIP or DWP employment plan. To continue receiving child care assistance after the initial three months, the parent must verify that the parent meets eligibility and activity requirements for child care assistance under this chapter.

EFFECTIVE DATE. This section is effective August 12, 2019.

Sec. 12. Minnesota Statutes 2017 Supplement, section 119B.13, subdivision 1, is amended to read:

Subdivision 1. **Subsidy restrictions.** (a) ~~Beginning February 3, 2014,~~ The maximum rate paid for child care assistance in any county or county price cluster under the child care fund shall be the greater of the ~~25th percentile of the 2011~~ 25th percentile of the most recent child care provider rate survey under section 119B.02, subdivision 7, ~~calculated by the commissioner under section 119B.06, subdivision 4, but not to exceed the 25th percentile, of the most recent child care provider rate survey under section 119B.02, subdivision 7, or the maximum rate effective November 28, 2011~~ or the maximum rate in effect at the time of the most recent child care

provider rate survey. For a child care provider located within the boundaries of a city located in two or more of the counties of Benton, Sherburne, and Stearns, the maximum rate paid for child care assistance shall be equal to the maximum rate paid in the county with the highest maximum reimbursement rates or the provider's charge, whichever is less. The commissioner may: (1) assign a county with no reported provider prices to a similar price cluster; and (2) consider county level access when determining final price clusters.

(b) A rate which includes a special needs rate paid under subdivision 3 may be in excess of the maximum rate allowed under this subdivision.

(c) The department shall monitor the effect of this paragraph on provider rates. The county shall pay the provider's full charges for every child in care up to the maximum established. The commissioner shall determine the maximum rate for each type of care on an hourly, full-day, and weekly basis, including special needs and disability care.

(d) If a child uses one provider, the maximum payment for one day of care must not exceed the daily rate. The maximum payment for one week of care must not exceed the weekly rate.

(e) If a child uses two providers under section 119B.097, the maximum payment must not exceed:

(1) the daily rate for one day of care;

(2) the weekly rate for one week of care by the child's primary provider; and

(3) two daily rates during two weeks of care by a child's secondary provider.

(f) Child care providers receiving reimbursement under this chapter must not be paid activity fees or an additional amount above the maximum rates for care provided during nonstandard hours for families receiving assistance.

(g) If the provider charge is greater than the maximum provider rate allowed, the parent is responsible for payment of the difference in the rates in addition to any family co-payment fee.

(h) All maximum provider rates changes shall be implemented on the Monday following the effective date of the maximum provider rate.

(i) Notwithstanding Minnesota Rules, part 3400.0130, subpart 7, maximum registration fees in effect on January 1, 2013, shall remain in effect.

EFFECTIVE DATE. This section is effective for child care provider payments beginning February 22, 2019.

9.1 Sec. 13. Minnesota Statutes 2017 Supplement, section 245A.06, subdivision 8, is amended
9.2 to read:

9.3 Subd. 8. **Requirement to post ~~correction order~~ conditional license.** ~~(a)~~ For licensed
9.4 family child care providers and child care centers, upon receipt of any ~~correction order or~~
9.5 order of conditional license issued by the commissioner under this section, and
9.6 notwithstanding a pending request for reconsideration of the ~~correction order or~~ order of
9.7 conditional license by the license holder, the license holder shall post the ~~correction order~~
9.8 ~~or~~ order of conditional license in a place that is conspicuous to the people receiving services
9.9 and all visitors to the facility for two years. When the ~~correction order or~~ order of conditional
9.10 license is accompanied by a maltreatment investigation memorandum prepared under section
9.11 626.556 or 626.557, the investigation memoranda must be posted with the ~~correction order~~
9.12 ~~or~~ order of conditional license.

9.13 ~~(b) If the commissioner reverses or rescinds a violation in a correction order upon~~
9.14 ~~reconsideration under subdivision 2, the commissioner shall issue an amended correction~~
9.15 ~~order and the license holder shall post the amended order according to paragraph (a).~~

9.16 ~~(c) If the correction order is rescinded or reversed in full upon reconsideration under~~
9.17 ~~subdivision 2, the license holder shall remove the original correction order posted according~~
9.18 ~~to paragraph (a).~~

9.19 Sec. 14. Minnesota Statutes 2016, section 245A.175, is amended to read:

9.20 **245A.175 CHILD FOSTER CARE TRAINING REQUIREMENT; MENTAL**
9.21 **HEALTH TRAINING; FETAL ALCOHOL SPECTRUM DISORDERS TRAINING.**

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

10.1 Sec. 15. Minnesota Statutes 2017 Supplement, section 245A.50, subdivision 7, is amended
10.2 to read:

10.3 Subd. 7. **Training requirements for family and group family child care.** (a) For
10.4 purposes of family and group family child care, the license holder and each primary caregiver
10.5 must complete 16 hours of ongoing training each year. For purposes of this subdivision, a
10.6 primary caregiver is an adult caregiver who provides services in the licensed setting for
10.7 more than 30 days in any 12-month period. Repeat of topical training requirements in
10.8 subdivisions 2 to 8 9 shall count toward the annual 16-hour training requirement. Additional
10.9 ongoing training subjects to meet the annual 16-hour training requirement must be selected
10.10 from the following areas:

10.11 (1) child development and learning training under subdivision 2, paragraph (a);

10.12 (2) developmentally appropriate learning experiences, including training in creating
10.13 positive learning experiences, promoting cognitive development, promoting social and
10.14 emotional development, promoting physical development, promoting creative development;
10.15 and behavior guidance;

10.16 (3) relationships with families, including training in building a positive, respectful
10.17 relationship with the child's family;

10.18 (4) assessment, evaluation, and individualization, including training in observing,
10.19 recording, and assessing development; assessing and using information to plan; and assessing
10.20 and using information to enhance and maintain program quality;

10.21 (5) historical and contemporary development of early childhood education, including
10.22 training in past and current practices in early childhood education and how current events
10.23 and issues affect children, families, and programs;

10.24 (6) professionalism, including training in knowledge, skills, and abilities that promote
10.25 ongoing professional development; and

10.26 (7) health, safety, and nutrition, including training in establishing healthy practices;
10.27 ensuring safety; and providing healthy nutrition.

10.28 (b) A family or group family child care license holder or primary caregiver who is an
10.29 approved trainer through the Minnesota Center for Professional Development and who
10.30 conducts an approved training course through the Minnesota Center for Professional
10.31 Development in any of the topical training in subdivisions 2 to 9 shall receive training credit
10.32 for the training topic in the applicable annual period. Each hour of approved training
10.33 conducted shall count toward the annual 16-hour training requirement.

11.1 **EFFECTIVE DATE.** This section is effective July 1, 2018.

11.2 Sec. 16. Minnesota Statutes 2016, section 254A.035, subdivision 2, is amended to read:

11.3 Subd. 2. **Membership terms, compensation, removal and expiration.** The membership
11.4 of this council shall be composed of 17 persons who are American Indians and who are
11.5 appointed by the commissioner. The commissioner shall appoint one representative from
11.6 each of the following groups: Red Lake Band of Chippewa Indians; Fond du Lac Band,
11.7 Minnesota Chippewa Tribe; Grand Portage Band, Minnesota Chippewa Tribe; Leech Lake
11.8 Band, Minnesota Chippewa Tribe; Mille Lacs Band, Minnesota Chippewa Tribe; Bois Forte
11.9 Band, Minnesota Chippewa Tribe; White Earth Band, Minnesota Chippewa Tribe; Lower
11.10 Sioux Indian Reservation; Prairie Island Sioux Indian Reservation; Shakopee Mdewakanton
11.11 Sioux Indian Reservation; Upper Sioux Indian Reservation; International Falls Northern
11.12 Range; Duluth Urban Indian Community; and two representatives from the Minneapolis
11.13 Urban Indian Community and two from the St. Paul Urban Indian Community. The terms,
11.14 compensation, and removal of American Indian Advisory Council members shall be as
11.15 provided in section 15.059. The council expires June 30, ~~2018~~ 2023.

11.16 Sec. 17. Minnesota Statutes 2016, section 256.01, subdivision 14b, is amended to read:

11.17 Subd. 14b. **American Indian child welfare projects.** (a) The commissioner of human
11.18 services may authorize projects to test tribal delivery of child welfare services to American
11.19 Indian children and their parents and custodians living on the reservation. The commissioner
11.20 has authority to solicit and determine which tribes may participate in a project. Grants may
11.21 be issued to Minnesota Indian tribes to support the projects. The commissioner may waive
11.22 existing state rules as needed to accomplish the projects. The commissioner may authorize
11.23 projects to use alternative methods of (1) investigating and assessing reports of child
11.24 maltreatment, and (2) administrative reconsideration, administrative appeal, and judicial
11.25 appeal of maltreatment determinations, provided the alternative methods used by the projects
11.26 comply with the provisions of sections 256.045 and 626.556 dealing with the rights of
11.27 individuals who are the subjects of reports or investigations, including notice and appeal
11.28 rights and data practices requirements. The commissioner may seek any federal approvals
11.29 necessary to carry out the projects as well as seek and use any funds available to the
11.30 commissioner, including use of federal funds, foundation funds, existing grant funds, and
11.31 other funds. The commissioner is authorized to advance state funds as necessary to operate
11.32 the projects. Federal reimbursement applicable to the projects is appropriated to the
11.33 commissioner for the purposes of the projects. The projects must be required to address
11.34 responsibility for safety, permanency, and well-being of children.

12.1 (b) For the purposes of this section, "American Indian child" means a person under 21
12.2 years old and who is a tribal member or eligible for membership in one of the tribes chosen
12.3 for a project under this subdivision and who is residing on the reservation of that tribe.

12.4 (c) In order to qualify for an American Indian child welfare project, a tribe must:

12.5 (1) be one of the existing tribes with reservation land in Minnesota;

12.6 (2) have a tribal court with jurisdiction over child custody proceedings;

12.7 (3) have a substantial number of children for whom determinations of maltreatment have
12.8 occurred;

12.9 (4) have capacity to respond to reports of abuse and neglect under section 626.556;

12.10 (5) provide a wide range of services to families in need of child welfare services; and

12.11 (6) have a tribal-state title IV-E agreement in effect.

12.12 (d) Grants awarded under this section may be used for the nonfederal costs of providing
12.13 child welfare services to American Indian children on the tribe's reservation, including costs
12.14 associated with:

12.15 (1) assessment and prevention of child abuse and neglect;

12.16 (2) family preservation;

12.17 (3) facilitative, supportive, and reunification services;

12.18 (4) out-of-home placement for children removed from the home for child protective
12.19 purposes; and

12.20 (5) other activities and services approved by the commissioner that further the goals of
12.21 providing safety, permanency, and well-being of American Indian children.

12.22 (e) When a tribe has initiated a project and has been approved by the commissioner to
12.23 assume child welfare responsibilities for American Indian children of that tribe under this
12.24 section, the affected county social service agency is relieved of responsibility for responding
12.25 to reports of abuse and neglect under section 626.556 for those children during the time
12.26 within which the tribal project is in effect and funded. The commissioner shall work with
12.27 tribes and affected counties to develop procedures for data collection, evaluation, and
12.28 clarification of ongoing role and financial responsibilities of the county and tribe for child
12.29 welfare services prior to initiation of the project. Children who have not been identified by
12.30 the tribe as participating in the project shall remain the responsibility of the county. Nothing
12.31 in this section shall alter responsibilities of the county for law enforcement or court services.

13.1 (f) Participating tribes may conduct children's mental health screenings under section
13.2 245.4874, subdivision 1, paragraph (a), clause (12), for children who are eligible for the
13.3 initiative and living on the reservation and who meet one of the following criteria:

13.4 (1) the child must be receiving child protective services;

13.5 (2) the child must be in foster care; or

13.6 (3) the child's parents must have had parental rights suspended or terminated.

13.7 Tribes may access reimbursement from available state funds for conducting the screenings.
13.8 Nothing in this section shall alter responsibilities of the county for providing services under
13.9 section 245.487.

13.10 (g) Participating tribes may establish a local child mortality review panel. In establishing
13.11 a local child mortality review panel, the tribe agrees to conduct local child mortality reviews
13.12 for child deaths or near-fatalities occurring on the reservation under subdivision 12. Tribes
13.13 with established child mortality review panels shall have access to nonpublic data and shall
13.14 protect nonpublic data under subdivision 12, paragraphs (c) to (e). The tribe shall provide
13.15 written notice to the commissioner and affected counties when a local child mortality review
13.16 panel has been established and shall provide data upon request of the commissioner for
13.17 purposes of sharing nonpublic data with members of the state child mortality review panel
13.18 in connection to an individual case.

13.19 (h) The commissioner shall collect information on outcomes relating to child safety,
13.20 permanency, and well-being of American Indian children who are served in the projects.
13.21 Participating tribes must provide information to the state in a format and completeness
13.22 deemed acceptable by the state to meet state and federal reporting requirements.

13.23 (i) In consultation with the White Earth Band, the commissioner shall develop and submit
13.24 to the chairs and ranking minority members of the legislative committees with jurisdiction
13.25 over health and human services a plan to transfer legal responsibility for providing child
13.26 protective services to White Earth Band member children residing in Hennepin County to
13.27 the White Earth Band. The plan shall include a financing proposal, definitions of key terms,
13.28 statutory amendments required, and other provisions required to implement the plan. The
13.29 commissioner shall submit the plan by January 15, 2012.

13.30 (j) The commissioner and the Red Lake Nation, in consultation with Beltrami County,
13.31 Clearwater County, and Lake of the Woods County, shall develop a proposal to transfer
13.32 legal and financial responsibility to the tribe for providing child welfare and child protection
13.33 services to tribal members and families who reside on the Red Lake Reservation in Beltrami,

14.1 Clearwater, and Lake of the Woods Counties. The proposal shall be provided to the members
14.2 of the house of representatives and senate committees with jurisdiction over health and
14.3 human services no later than January 15, 2019.

14.4 Sec. 18. Minnesota Statutes 2016, section 256K.45, subdivision 2, is amended to read:

14.5 Subd. 2. **Homeless youth report.** The commissioner shall prepare a biennial report,
14.6 beginning in February 2015, which provides meaningful information to the legislative
14.7 committees having jurisdiction over the issue of homeless youth, that includes, but is not
14.8 limited to: (1) a list of the areas of the state with the greatest need for services and housing
14.9 for homeless youth, and the level and nature of the needs identified; (2) details about grants
14.10 made; (3) the distribution of funds throughout the state based on population need; (4)
14.11 follow-up information, if available, on the status of homeless youth and whether they have
14.12 stable housing two years after services are provided; and (5) any other outcomes for
14.13 populations served to determine the effectiveness of the programs and use of funding. The
14.14 commissioner is exempt from preparing this report in 2019 and must instead update the
14.15 2007 report on homeless youth under section 24.

14.16 Sec. 19. **[256K.46] STABLE HOUSING AND SUPPORT SERVICES FOR**
14.17 **VULNERABLE YOUTH.**

14.18 Subdivision 1. **Definitions.** For purposes of this section, the following terms have the
14.19 meanings given them:

14.20 (a) "Eligible applicant" means a program licensed by the commissioner of human services
14.21 to provide transitional housing and support services to youth. An eligible applicant must
14.22 have staff on site 24 hours per day and must have established confidentiality protocols as
14.23 required by state and federal law.

14.24 (b) "Living essentials" means clothing, toiletries, transportation, interpreters, other
14.25 supplies, and services necessary for daily living.

14.26 (c) "Support services" has the meaning given in section 256E.33, subdivision 1, paragraph
14.27 (b), and includes crisis intervention, conflict mediation, family reunification services,
14.28 educational services, and employment resources.

14.29 (d) "Transitional housing" means secure shelter and housing that:

14.30 (1) is provided at low or no cost;

14.31 (2) is designed to assist people transitioning from homelessness, family or relationship
14.32 violence, or sexual exploitation, to living independently in the community; and

15.1 (3) provides residents with regular staff interaction, supervision plans, and living skills
15.2 training and assistance.

15.3 (e) "Vulnerable youth" means youth 13 years of age through 17 years of age who have
15.4 reported histories of sexual exploitation or family or relationship violence. Vulnerable youth
15.5 includes youth who are homeless and youth who are parents and their children.

15.6 Subd. 2. **Grants authorized.** The commissioner of human services may award grants
15.7 to eligible applicants to plan, establish, or operate programs to provide transitional housing
15.8 and support services to vulnerable youth. An applicant may apply for and the commissioner
15.9 may award grants for two-year periods, and the commissioner shall determine the number
15.10 of grants awarded. The commissioner may reallocate underspending among grantees within
15.11 the same grant period.

15.12 Subd. 3. **Program variance.** For purposes of this grant program, the commissioner may
15.13 grant a program variance under chapter 245A allowing a program licensed to provide
15.14 transitional housing and support services to youth 16 years of age through 17 years of age
15.15 to serve youth 13 years of age through 17 years of age.

15.16 Subd. 4. **Allocation of grants.** (a) An application must be on a form and contain
15.17 information as specified by the commissioner but at a minimum must contain:

15.18 (1) a description of the purpose or project for which grant funds will be used;

15.19 (2) a description of the specific problem the grant funds are intended to address;

15.20 (3) a description of achievable objectives, a work plan, and a timeline for implementation
15.21 and completion of processes or projects enabled by the grant;

15.22 (4) a description of the eligible applicant's existing frameworks and experience providing
15.23 transitional housing and support services to vulnerable youth; and

15.24 (5) a proposed process for documenting and evaluating results of the grant.

15.25 (b) Grant funds allocated under this section may be used for purposes that include, but
15.26 are not limited to, the following:

15.27 (1) transitional housing, meals, and living essentials for vulnerable youth and their
15.28 children;

15.29 (2) support services;

15.30 (3) mental health and substance use disorder counseling;

15.31 (4) staff training;

16.1 (5) case management and referral services; and

16.2 (6) aftercare and follow-up services, including ongoing adult and peer support.

16.3 (c) The commissioner shall review each application to determine whether the application
16.4 is complete and whether the applicant and the project are eligible for a grant. In evaluating
16.5 applications, the commissioner shall establish criteria including, but not limited to:

16.6 (1) the eligibility of the applicant or project;

16.7 (2) the applicant's thoroughness and clarity in describing the problem grant funds are
16.8 intended to address;

16.9 (3) a description of the population demographics and service area of the proposed project;
16.10 and

16.11 (4) the proposed project's longevity and demonstrated financial sustainability after the
16.12 initial grant period.

16.13 (d) In evaluating applications, the commissioner may request additional information
16.14 regarding a proposed project, including information on project cost. An applicant's failure
16.15 to provide the information requested disqualifies an applicant.

16.16 Subd. 5. **Awarding of grants.** The commissioner must notify grantees of awards by
16.17 January 1, 2019.

16.18 Subd. 6. **Update.** The commissioner shall consult with providers serving homeless youth,
16.19 sex-trafficked youth, or sexually exploited youth, including providers serving older youth
16.20 under the Safe Harbor Act and Homeless Youth Act to make recommendations that resolve
16.21 conflicting requirements placed on providers and foster best practices in delivering services
16.22 to these populations of older youth. The recommendations may include the development
16.23 of additional certifications not currently available under Minnesota Rules, chapter 2960.
16.24 The commissioner shall provide an update on the stakeholder work and recommendations
16.25 identified through this process to the chairs and ranking minority members of the legislative
16.26 committees with jurisdiction over health and human services finance and policy by January
16.27 15, 2019.

16.28 Sec. 20. Minnesota Statutes 2016, section 260.835, subdivision 2, is amended to read:

16.29 Subd. 2. **Expiration.** The American Indian Child Welfare Advisory Council expires
16.30 June 30, 2018 2023.

17.1 Sec. 21. **[260C.008] FOSTER CARE SIBLING BILL OF RIGHTS.**

17.2 Subdivision 1. Statement of rights. (a) A child placed in foster care who has a sibling
17.3 has the right to:

17.4 (1) be placed in foster care homes with the child's siblings, when possible and when it
17.5 is in the best interest of each sibling, in order to sustain family relationships;

17.6 (2) be placed in close geographical distance to the child's siblings, if placement together
17.7 is not possible, to facilitate frequent and meaningful contact;

17.8 (3) have frequent contact with the child's siblings in foster care and, whenever possible,
17.9 with the child's siblings who are not in foster care, unless the responsible social services
17.10 agency has documented that contact is not in the best interest of any sibling. Contact includes,
17.11 but is not limited to, telephone calls, text messaging, social media and other Internet use,
17.12 and video calls;

17.13 (4) annually receive a telephone number, address, and e-mail address for all siblings in
17.14 foster care, and receive updated photographs of siblings regularly, by regular mail or e-mail;

17.15 (5) participate in regular face-to-face visits with the child's siblings in foster care and,
17.16 whenever possible, with the child's siblings who are not in foster care. Participation in these
17.17 visits shall not be withheld or restricted as a consequence for behavior, and shall only be
17.18 restricted if the responsible social services agency documents that the visits are contrary to
17.19 the safety or well-being of any sibling. Social workers, parents, foster care providers, and
17.20 older children must cooperate to ensure regular visits and must coordinate dates, times,
17.21 transportation, and other accommodations as necessary. The timing and regularity of visits
17.22 shall be outlined in each sibling's service plan, based on the individual circumstances and
17.23 needs of each child. A social worker need not give explicit permission for each visit or
17.24 possible overnight visit, but foster care providers shall communicate with social workers
17.25 about these visits;

17.26 (6) be actively involved in each other's lives and share celebrations, if they choose to
17.27 do so, including but not limited to birthdays, holidays, graduations, school and extracurricular
17.28 activities, cultural customs in the siblings' native language, and other milestones;

17.29 (7) be promptly informed about changes in sibling placements or circumstances, including
17.30 but not limited to new placements, discharge from placements, significant life events, and
17.31 discharge from foster care;

17.32 (8) be included in permanency planning decisions for siblings, if appropriate; and

(9) be informed of the expectations for and possibility of continued contact with a sibling after an adoption or transfer of permanent physical and legal custody to a relative.

(b) Adult siblings of children in foster care shall have the right to be considered as foster care providers, adoptive parents, and relative custodians for their siblings, if they choose to do so.

Subd. 2. **Interpretation.** The rights under this section are established for the benefit of siblings in foster care. This statement of rights does not replace or diminish other rights, liberties, and responsibilities that may exist relative to children in foster care, adult siblings of children in foster care, foster care providers, parents, relatives, or responsible social services agencies.

Subd. 3. **Disclosure.** Child welfare agency staff shall provide a copy of these rights to a child who has a sibling at the time the child enters foster care, to any adult siblings of a child entering foster care, if known, and to the foster care provider, in a format specified by the commissioner of human services. The copy shall contain the address and telephone number of the Office of Ombudsman for Families and a brief statement describing how to file a complaint with the office.

EFFECTIVE DATE. This section is effective for children entering foster care on or after August 1, 2018. Subdivision 3 is effective August 1, 2018, and applies to all children in foster care on that date, regardless of when the child entered foster care.

Sec. 22. Minnesota Statutes 2016, section 518A.32, subdivision 3, is amended to read:

Subd. 3. Parent not considered voluntarily unemployed, underemployed, or employed on a less than full-time basis. A parent is not considered voluntarily unemployed, underemployed, or employed on a less than full-time basis upon a showing by the parent that:

(1) the unemployment, underemployment, or employment on a less than full-time basis is temporary and will ultimately lead to an increase in income;

(2) the unemployment, underemployment, or employment on a less than full-time basis represents a bona fide career change that outweighs the adverse effect of that parent's diminished income on the child; ~~or~~

(3) the unemployment, underemployment, or employment on a less than full-time basis is because a parent is physically or mentally incapacitated or due to incarceration, ~~except where the reason for incarceration is the parent's nonpayment of support; or~~

(4) the parent has been determined by an authorized government agency to be eligible to receive general assistance or Supplemental Security Income payments. Any income, not including public assistance payments, earned by the parent who is eligible for general assistance or Supplemental Security Income payments may be considered for the purpose of calculating child support.

Sec. 23. Minnesota Statutes 2016, section 518A.685, is amended to read:

518A.685 CONSUMER REPORTING AGENCY; REPORTING ARREARS.

(a) If a public authority determines that an obligor has not paid the current monthly support obligation plus any required arrearage payment for three months, the public authority must report this information to a consumer reporting agency.

(b) Before reporting that an obligor is in arrears for court-ordered child support, the public authority must:

(1) provide written notice to the obligor that the public authority intends to report the arrears to a consumer reporting agency; and

(2) mail the written notice to the obligor's last known mailing address at least 30 days before the public authority reports the arrears to a consumer reporting agency.

(c) The obligor may, within 21 days of receipt of the notice, do the following to prevent the public authority from reporting the arrears to a consumer reporting agency:

(1) pay the arrears in full; or

(2) request an administrative review. An administrative review is limited to issues of mistaken identity, a pending legal action involving the arrears, or an incorrect arrears balance.

~~(d) If the public authority has reported that an obligor is in arrears for court-ordered child support and subsequently determines that the obligor has paid the court-ordered child support arrears in full, or is paying the current monthly support obligation plus any required arrearage payment, the public authority must report to the consumer reporting agency that the obligor is currently paying child support as ordered by the court.~~

~~(e)~~ (d) A public authority that reports arrearage information under this section must make monthly reports to a consumer reporting agency. The monthly report must be consistent with credit reporting industry standards for child support.

~~(f)~~ (e) For purposes of this section, "consumer reporting agency" has the meaning given in section 13C.001, subdivision 4, and United States Code, title 15, section 1681a(f).

20.1 **Sec. 24. 2018 REPORT TO LEGISLATURE ON HOMELESS YOUTH.**

20.2 **Subdivision 1. Report development.** In lieu of the biennial homeless youth report under
20.3 Minnesota Statutes, section 256K.45, subdivision 2, the commissioner of human services
20.4 shall update the information in the 2007 legislative report on runaway and homeless youth.
20.5 In developing the updated report, the commissioner may use existing data, studies, and
20.6 analysis provided by state, county, and other entities including, but not limited to:

20.7 (1) Minnesota Housing Finance Agency analysis on housing availability;

20.8 (2) Minnesota state plan to end homelessness;

20.9 (3) continuum of care counts of youth experiencing homelessness and assessments as
20.10 provided by Department of Housing and Urban Development (HUD)-required coordinated
20.11 entry systems;

20.12 (4) data collected through the Department of Human Services Homeless Youth Act grant
20.13 program;

20.14 (5) Wilder Research homeless study;

20.15 (6) Voices of Youth Count sponsored by Hennepin County; and

20.16 (7) privately funded analysis, including:

20.17 (i) nine evidence-based principles to support youth in overcoming homelessness;

20.18 (ii) return on investment analysis conducted for YouthLink by Foldes Consulting; and

20.19 (iii) evaluation of Homeless Youth Act resources conducted by Rainbow Research.

20.20 **Subd. 2. Key elements; due date.** (a) The report may include three key elements where
20.21 significant learning has occurred in the state since the 2007 report, including:

20.22 (1) unique causes of youth homelessness;

20.23 (2) targeted responses to youth homelessness, including significance of positive youth
20.24 development as fundamental to each targeted response; and

20.25 (3) recommendations based on existing reports and analysis on what it will take to end
20.26 youth homelessness.

20.27 (b) To the extent data is available, the report must include:

20.28 (1) general accounting of the federal and philanthropic funds leveraged to support
20.29 homeless youth activities;

21.1 (2) general accounting of the increase in volunteer responses to support youth
21.2 experiencing homelessness; and

21.3 (3) data-driven accounting of geographic areas or distinct populations that have gaps in
21.4 service or are not yet served by homeless youth responses.

21.5 (c) The commissioner of human services may consult with community-based providers
21.6 of homeless youth services and other expert stakeholders to complete the report. The
21.7 commissioner shall submit the report to the chairs and ranking minority members of the
21.8 legislative committees with jurisdiction over youth homelessness by February 15, 2019.

21.9 Sec. 25. **DEPARTMENT OF INVESTIGATION, COMPLIANCE, AND**
21.10 **ELIGIBILITY.**

21.11 (a) The commissioners of human services and health shall consider the benefits of
21.12 consolidating into one state agency the licensing, background study, and related oversight
21.13 functions currently in the Department of Human Services and Department of Health.

21.14 (b) The revisor shall, in consultation with the commissioners of human services and
21.15 health, provide draft legislation for the chairs and ranking minority members of the senate
21.16 and house of representatives committees with jurisdiction over health and human services
21.17 by July 1, 2019.

21.18 Sec. 26. **HUMAN SERVICES DEPARTMENT RESTRUCTURING WORKING**
21.19 **GROUP.**

21.20 Subdivision 1. **Establishment; membership.** (a) A working group to consider
21.21 restructuring the Department of Human Services is established.

21.22 (b) The working group shall include 17 members as follows:

21.23 (1) two members of the house of representatives, one appointed by the speaker of the
21.24 house and one appointed by the minority leader of the house of representatives;

21.25 (2) two members of the senate, one appointed by the senate majority leader and one
21.26 appointed by the senate minority leader;

21.27 (3) the legislative auditor or a designee;

21.28 (4) the commissioner of administration or a designee;

21.29 (5) two representatives from county social services agencies, appointed by the
21.30 commissioner of human services;

22.1 (6) two representatives from tribal social services agencies, appointed by the
22.2 commissioner of human services;

22.3 (7) two representatives from organizations that represent people served by programs
22.4 administered by the Department of Human Services, appointed by the commissioner of
22.5 human services;

22.6 (8) two representatives from organizations that represent service providers that are either
22.7 licensed or reimbursed by the Department of Human Services, appointed by the commissioner
22.8 of human services;

22.9 (9) one member representing the Cultural and Ethnic Communities Leadership Council,
22.10 appointed by the commissioner of human services; and

22.11 (10) two representatives of labor organizations, who must be full-time employees of the
22.12 Department of Human Services working in facilities located in different geographic regions
22.13 of the state, appointed by the governor.

22.14 (c) The appointing authorities under this subdivision must complete their appointments
22.15 no later than July 1, 2018.

22.16 Subd. 2. **Duties.** The working group shall review the current structure of the Department
22.17 of Human Services and programs administered by that agency and propose a restructuring
22.18 of the agency to provide for better coordination and control of programs, accountability,
22.19 and continuity. In making recommendations, the working group must consider:

22.20 (1) how human services agencies are structured in other states;

22.21 (2) transferring duties to other state agencies;

22.22 (3) the effect of a restructuring on clients and counties;

22.23 (4) administrative efficiencies;

22.24 (5) various analytical methods to evaluate efficiencies, including but not limited to
22.25 zero-based budgeting;

22.26 (6) budget and policy priorities;

22.27 (7) program funding sources;

22.28 (8) avoiding conflicting agency roles;

22.29 (9) the extent to which the agency should provide direct services to clients;

22.30 (10) eliminating any duplication of services; and

23.1 (11) staffing issues.

23.2 Subd. 3. **Meetings.** The legislative auditor or a designee shall convene the first meeting
23.3 of the working group no later than August 1, 2018. The legislative auditor or a designee
23.4 shall serve as the chair of the working group. Meetings of the working group are open to
23.5 the public.

23.6 Subd. 4. **Compensation.** Members of the working group shall serve without compensation
23.7 or reimbursement for expenses.

23.8 Subd. 5. **Administrative support.** The Legislative Coordinating Commission shall
23.9 provide administrative support for the working group and arrange for meeting space.

23.10 Subd. 6. **Report.** By March 1, 2019, the working group must submit a report with
23.11 findings, recommendations, and draft legislation to the chairs and ranking minority members
23.12 of the legislative committees with jurisdiction over human services policy and finance. The
23.13 report must include a discussion of the costs and benefits associated with any proposed
23.14 restructuring.

23.15 Subd. 7. **Expiration.** The working group expires March 2, 2019, or the day after the
23.16 working group submits the report required under subdivision 6, whichever is earlier.

23.17 **EFFECTIVE DATE.** This section is effective July 1, 2018.

23.18 Sec. 27. **COMMISSIONER OF HUMAN SERVICES CHILD CARE LICENSING**
23.19 **RULEMAKING AUTHORITY.**

23.20 Notwithstanding any provision of law to the contrary, the commissioner of human
23.21 services may not adopt rules under Minnesota Statutes, chapter 14, that modify Minnesota
23.22 Rules, chapters 9502 and 9503, or adopt additional rules relating to child care licensing,
23.23 unless otherwise expressly authorized by law enacted on or after the effective date of this
23.24 section.

23.25 **EFFECTIVE DATE.** This section is effective July 1, 2018.

23.26 Sec. 28. **TASK FORCE ON CHILDHOOD TRAUMA-INFORMED POLICY AND**
23.27 **PRACTICES.**

23.28 Subdivision 1. **Establishment.** The commissioner of human services must establish and
23.29 appoint a task force on trauma-informed policy and practices to prevent and reduce children's
23.30 exposure to adverse childhood experiences (ACEs) consisting of the following members:

24.1 (1) the commissioners of human services, public safety, health, and education or the
24.2 commissioners' designees;

24.3 (2) two members representing law enforcement with expertise in juvenile justice;

24.4 (3) two members representing county social services agencies;

24.5 (4) four members, one representing each of the three ethnic councils established under
24.6 Minnesota Statutes, section 15.0145, and one representing the Indian Affairs Council
24.7 established under Minnesota Statutes, section 3.922;

24.8 (5) two members representing tribal social services providers;

24.9 (6) two members with expertise in prekindergarten through grade 12 education;

24.10 (7) three licensed health care professionals with expertise in the neurobiology of
24.11 childhood development representing public health, mental health, and primary health;

24.12 (8) one member representing family service or children's mental health collaboratives;

24.13 (9) two parents who had ACEs;

24.14 (10) two ombudspersons from the Minnesota Office of Ombudsperson for Families; and

24.15 (11) representatives of any other group the commissioner of human services deems
24.16 appropriate to complete the duties of the task force.

24.17 Subd. 2. **Staff.** The commissioner of human services must provide meeting space, support
24.18 staff, and administrative services for the task force.

24.19 Subd. 3. **Duties.** The task force must perform the following duties:

24.20 (1) engage the human services, education, public health, juvenile justice, and criminal
24.21 justice systems in the creation of trauma-informed policy and practices in each of these
24.22 systems to prevent and reduce ACEs and to support the health and well-being of all families;
24.23 and

24.24 (2) identify social determinants of the health and well-being of all families and
24.25 recommend solutions to eliminate racial and ethnic disparities in the state.

24.26 Subd. 4. **Report.** The task force must submit a report on the results of its duties outlined
24.27 in subdivision 3 and any policy recommendations to the chairs and ranking minority members
24.28 of the legislative committees with jurisdiction over health and human services, public safety,
24.29 judiciary, and education by January 15, 2019.

24.30 Subd. 5. **Expiration.** The task force expires upon submission of the report required
24.31 under subdivision 4.

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

25.2 Sec. 29. **REVISOR'S INSTRUCTION.**

25.3 The revisor of statutes, in consultation with the Department of Human Services, House
25.4 Research Department, and Senate Counsel, Research and Fiscal Analysis shall change the
25.5 terms "food support" and "food stamps" to "Supplemental Nutrition Assistance Program"
25.6 or "SNAP" in Minnesota Statutes and Minnesota Rules when appropriate. The revisor may
25.7 make technical and other necessary changes to sentence structure to preserve the meaning
25.8 of the text."

25.9 Renumber the sections in sequence and correct the internal references

25.10 Amend the title accordingly