

1.1 moves to amend H.F. No. 1677, the second engrossment, as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2014, section 168.012, subdivision 1, is amended to read:

1.4 Subdivision 1. **Vehicles exempt from tax, fees, or plate display.** (a) The following
1.5 vehicles are exempt from the provisions of this chapter requiring payment of tax and
1.6 registration fees, except as provided in subdivision 1c:

1.7 (1) vehicles owned and used solely in the transaction of official business by the
1.8 federal government, the state, or any political subdivision;

1.9 (2) vehicles owned and used exclusively by educational institutions and used solely
1.10 in the transportation of pupils to and from those institutions;

1.11 (3) vehicles used solely in driver education programs at nonpublic high schools;

1.12 (4) vehicles owned by nonprofit charities and used exclusively to transport disabled
1.13 persons for charitable, religious, or educational purposes;

1.14 (5) vehicles owned by nonprofit charities and used exclusively for disaster response
1.15 and related activities;

1.16 (6) vehicles owned by ambulance services licensed under section 144E.10 that
1.17 are equipped and specifically intended for emergency response or providing ambulance
1.18 services; and

1.19 (7) vehicles owned by a commercial driving school licensed under section 171.34,
1.20 or an employee of a commercial driving school licensed under section 171.34, and the
1.21 vehicle is used exclusively for driver education and training.

1.22 (b) Provided the general appearance of the vehicle is unmistakable, the following
1.23 vehicles are not required to register or display number plates:

1.24 (1) vehicles owned by the federal government;

1.25 (2) fire apparatuses, including fire-suppression support vehicles, owned or leased by
1.26 the state or a political subdivision;

1.27 (3) police patrols owned or leased by the state or a political subdivision; and

2.1 (4) ambulances owned or leased by the state or a political subdivision.

2.2 (c) Unmarked vehicles used in general police work, liquor investigations, or arson
2.3 investigations, and passenger automobiles, pickup trucks, and buses owned or operated by
2.4 the Department of Corrections or by conservation officers of the Division of Enforcement
2.5 and Field Service of the Department of Natural Resources, must be registered and must
2.6 display appropriate license number plates, furnished by the registrar at cost. Original and
2.7 renewal applications for these license plates authorized for use in general police work and
2.8 for use by the Department of Corrections or by conservation officers must be accompanied
2.9 by a certification signed by the appropriate chief of police if issued to a police vehicle,
2.10 the appropriate sheriff if issued to a sheriff's vehicle, the commissioner of corrections if
2.11 issued to a Department of Corrections vehicle, or the appropriate officer in charge if
2.12 issued to a vehicle of any other law enforcement agency. The certification must be on a
2.13 form prescribed by the commissioner and state that the vehicle will be used exclusively
2.14 for a purpose authorized by this section.

2.15 (d) Unmarked vehicles used by the Departments of Revenue and Labor and Industry,
2.16 fraud unit, in conducting seizures or criminal investigations must be registered and must
2.17 display passenger vehicle classification license number plates, furnished at cost by the
2.18 registrar. Original and renewal applications for these passenger vehicle license plates
2.19 must be accompanied by a certification signed by the commissioner of revenue or the
2.20 commissioner of labor and industry. The certification must be on a form prescribed by
2.21 the commissioner and state that the vehicles will be used exclusively for the purposes
2.22 authorized by this section.

2.23 (e) Unmarked vehicles used by the Division of Disease Prevention and Control of the
2.24 Department of Health must be registered and must display passenger vehicle classification
2.25 license number plates. These plates must be furnished at cost by the registrar. Original
2.26 and renewal applications for these passenger vehicle license plates must be accompanied
2.27 by a certification signed by the commissioner of health. The certification must be on a
2.28 form prescribed by the commissioner and state that the vehicles will be used exclusively
2.29 for the official duties of the Division of Disease Prevention and Control.

2.30 (f) Unmarked vehicles used by staff of the Gambling Control Board in gambling
2.31 investigations and reviews must be registered and must display passenger vehicle
2.32 classification license number plates. These plates must be furnished at cost by the
2.33 registrar. Original and renewal applications for these passenger vehicle license plates must
2.34 be accompanied by a certification signed by the board chair. The certification must be on a
2.35 form prescribed by the commissioner and state that the vehicles will be used exclusively
2.36 for the official duties of the Gambling Control Board.

3.1 (g) Unmarked vehicles used in general investigation, surveillance, supervision, and
3.2 monitoring by the Department of Human Services' Office of Special Investigations' staff;
3.3 the Minnesota sex offender program's executive director and the executive director's
3.4 staff; and the Office of Inspector General's staff, including, but not limited to, county
3.5 fraud prevention investigators, must be registered and must display passenger vehicle
3.6 classification license number plates, furnished by the registrar at cost. Original and
3.7 renewal applications for passenger vehicle license plates must be accompanied by a
3.8 certification signed by the commissioner of human services. The certification must be on a
3.9 form prescribed by the commissioner and state that the vehicles must be used exclusively
3.10 for the official duties of the Office of Special Investigations' staff; the Minnesota sex
3.11 offender program's executive director and the executive director's staff; and the Office
3.12 of the Inspector General's staff, including, but not limited to, contract and county fraud
3.13 prevention investigators.

3.14 (h) Each state hospital and institution for persons who are mentally ill and
3.15 developmentally disabled may have one vehicle without the required identification on
3.16 the sides of the vehicle. The vehicle must be registered and must display passenger
3.17 vehicle classification license number plates. These plates must be furnished at cost by the
3.18 registrar. Original and renewal applications for these passenger vehicle license plates must
3.19 be accompanied by a certification signed by the hospital administrator. The certification
3.20 must be on a form prescribed by the commissioner and state that the vehicles will be used
3.21 exclusively for the official duties of the state hospital or institution.

3.22 (i) Each county social service agency may have vehicles used for child and
3.23 vulnerable adult protective services without the required identification on the sides of the
3.24 vehicle. The vehicles must be registered and must display passenger vehicle classification
3.25 license number plates. These plates must be furnished at cost by the registrar. Original
3.26 and renewal applications for these passenger vehicle license plates must be accompanied
3.27 by a certification signed by the agency administrator. The certification must be on a form
3.28 prescribed by the commissioner and state that the vehicles will be used exclusively for the
3.29 official duties of the social service agency.

3.30 (j) Unmarked vehicles used in general investigation, surveillance, supervision, and
3.31 monitoring by tobacco inspector staff of the Department of Human Services' Alcohol and
3.32 Drug Abuse Division for the purposes of tobacco inspections, investigations, and reviews
3.33 must be registered and must display passenger vehicle classification license number
3.34 plates, furnished at cost by the registrar. Original and renewal applications for passenger
3.35 vehicle license plates must be accompanied by a certification signed by the commissioner
3.36 of human services. The certification must be on a form prescribed by the commissioner

4.1 and state that the vehicles will be used exclusively by tobacco inspector staff for the
4.2 duties specified in this paragraph.

4.3 (†) (k) All other motor vehicles must be registered and display tax-exempt number
4.4 plates, furnished by the registrar at cost, except as provided in subdivision 1c. All
4.5 vehicles required to display tax-exempt number plates must have the name of the state
4.6 department or political subdivision, nonpublic high school operating a driver education
4.7 program, licensed commercial driving school, or other qualifying organization or entity,
4.8 plainly displayed on both sides of the vehicle. This identification must be in a color
4.9 giving contrast with that of the part of the vehicle on which it is placed and must endure
4.10 throughout the term of the registration. The identification must not be on a removable
4.11 plate or placard and must be kept clean and visible at all times; except that a removable
4.12 plate or placard may be utilized on vehicles leased or loaned to a political subdivision or
4.13 to a nonpublic high school driver education program.

4.14 Sec. 2. Minnesota Statutes 2014, section 245A.035, subdivision 1, is amended to read:

4.15 Subdivision 1. **Emergency placement.** Notwithstanding section 245A.03,
4.16 subdivision 2a, or 245C.13, subdivision 2, a county agency may place a child with a
4.17 relative who is not licensed to provide foster care, provided the requirements of this
4.18 section are met. As used in this section, the term "relative" has the meaning given it under
4.19 section 260C.007, subdivision 26b or 27.

4.20 Sec. 3. Minnesota Statutes 2014, section 245A.035, subdivision 5, is amended to read:

4.21 Subd. 5. **Child foster care license application.** (a) The relatives with whom the
4.22 emergency placement has been made shall complete the child foster care license application
4.23 and necessary paperwork within ten days of the placement. The county agency shall assist
4.24 the applicant to complete the application. The granting of a child foster care license to a
4.25 relative shall be under the procedures in this chapter and according to the standards in
4.26 Minnesota Rules, chapter 2960. In licensing a relative, the commissioner shall consider
4.27 the importance of maintaining the child's relationship with relatives as an additional
4.28 significant factor in determining whether a background study disqualification should be
4.29 set aside under section 245C.22, or a variance should be granted under section 245C.30.

4.30 (b) When the county or private child-placing agency is processing an application
4.31 for child foster care licensure of a relative as defined in section 260B.007, subdivision
4.32 12, or 260C.007, subdivision 26b or 27, the county agency or child-placing agency must
4.33 explain the licensing process to the prospective licensee, including the background study
4.34 process and the procedure for reconsideration of an initial disqualification for licensure.

5.1 The county or private child-placing agency must also provide the prospective relative
5.2 licensee with information regarding appropriate options for legal representation in the
5.3 pertinent geographic area. If a relative is initially disqualified under section 245C.14, the
5.4 commissioner must provide written notice of the reasons for the disqualification and the
5.5 right to request a reconsideration by the commissioner as required under section 245C.17.

5.6 (c) The commissioner shall maintain licensing data so that activities related to
5.7 applications and licensing actions for relative foster care providers may be distinguished
5.8 from other child foster care settings.

5.9 Sec. 4. Minnesota Statutes 2014, section 245C.10, is amended by adding a subdivision
5.10 to read:

5.11 Subd. 1a. **Expenses.** Section 181.645 does not apply to background studies
5.12 completed under this chapter.

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

5.14 Sec. 5. Minnesota Statutes 2014, section 245C.22, subdivision 7, is amended to read:

5.15 Subd. 7. **Classification of certain data.** (a) Notwithstanding section 13.46, except
5.16 as provided in paragraph (f), upon setting aside a disqualification under this section, the
5.17 identity of the disqualified individual who received the set-aside and the individual's
5.18 disqualifying characteristics are public data if the set-aside was:

5.19 (1) for any disqualifying characteristic under section 245C.15, when the set-aside
5.20 relates to a child care center or a family child care provider licensed under chapter 245A; or

5.21 (2) for a disqualifying characteristic under section 245C.15, subdivision 2.

5.22 (b) Notwithstanding section 13.46, upon granting a variance to a license holder
5.23 under section 245C.30, the identity of the disqualified individual who is the subject of
5.24 the variance, the individual's disqualifying characteristics under section 245C.15, and the
5.25 terms of the variance are public data, when the variance:

5.26 (1) is issued to a child care center or a family child care provider licensed under
5.27 chapter 245A; or

5.28 (2) relates to an individual with a disqualifying characteristic under section 245C.15,
5.29 subdivision 2.

5.30 (c) The identity of a disqualified individual and the reason for disqualification
5.31 remain private data when:

5.32 (1) a disqualification is not set aside and no variance is granted, except as provided
5.33 under section 13.46, subdivision 4;

5.34 (2) the data are not public under paragraph (a) or (b);

6.1 (3) the disqualification is rescinded because the information relied upon to disqualify
6.2 the individual is incorrect;

6.3 (4) the disqualification relates to a license to provide relative child foster care.
6.4 As used in this clause, "relative" has the meaning given it under section 260C.007,
6.5 subdivision 26b or 27; or

6.6 (5) the disqualified individual is a household member of a licensed foster care
6.7 provider and:

6.8 (i) the disqualified individual previously received foster care services from this
6.9 licensed foster care provider;

6.10 (ii) the disqualified individual was subsequently adopted by this licensed foster
6.11 care provider; and

6.12 (iii) the disqualifying act occurred before the adoption.

6.13 (d) Licensed family child care providers and child care centers must provide notices
6.14 as required under section 245C.301.

6.15 (e) Notwithstanding paragraphs (a) and (b), the identity of household members who
6.16 are the subject of a disqualification related set-aside or variance is not public data if:

6.17 (1) the household member resides in the residence where the family child care is
6.18 provided;

6.19 (2) the subject of the set-aside or variance is under the age of 18 years; and

6.20 (3) the set-aside or variance only relates to a disqualification under section 245C.15,
6.21 subdivision 4, for a misdemeanor-level theft crime as defined in section 609.52.

6.22 (f) When the commissioner has reason to know that a disqualified individual has
6.23 received an order for expungement for the disqualifying record that does not limit the
6.24 commissioner's access to the record, and the record was opened or exchanged with the
6.25 commissioner for purposes of a background study under this chapter, the data that would
6.26 otherwise become public under paragraph (a) or (b) remain private data.

6.27 Sec. 6. Minnesota Statutes 2014, section 253B.212, is amended by adding a
6.28 subdivision to read:

6.29 Subd. 1b. **Cost of care; commitment by tribal court order; any federally**
6.30 **recognized Indian tribe within the state of Minnesota.** The commissioner of human
6.31 services may contract with and receive payment from the Indian Health Service of the
6.32 United States Department of Health and Human Services for the care and treatment of
6.33 those members of any federally recognized Indian tribe within the state, who have been
6.34 committed by tribal court order to the Indian Health Service for care and treatment of
6.35 mental illness, developmental disability, or chemical dependency. The tribe may also

7.1 contract directly with the commissioner for treatment of those members of any federally
7.2 recognized Indian tribe within the state who have been committed by tribal court order
7.3 to the respective tribal Department of Health for care and treatment of mental illness,
7.4 developmental disability, or chemical dependency. The contract shall provide that the
7.5 Indian Health Service and any federally recognized Indian tribe within the state shall not
7.6 transfer any person for admission to a regional center unless the commitment procedure
7.7 utilized by the tribal court provided due process protections similar to those afforded
7.8 by sections 253B.05 to 253B.10.

7.9 Sec. 7. Minnesota Statutes 2014, section 253B.212, subdivision 2, is amended to read:

7.10 Subd. 2. **Effect given to tribal commitment order.** When, under an agreement
7.11 entered into pursuant to subdivisions 1 ~~or~~, 1a, or 1b, the Indian Health Service or the
7.12 placing tribe applies to a regional center for admission of a person committed to the
7.13 jurisdiction of the health service by the tribal court as a person who is mentally ill,
7.14 developmentally disabled, or chemically dependent, the commissioner may treat the
7.15 patient with the consent of the Indian Health Service or the placing tribe.

7.16 A person admitted to a regional center pursuant to this section has all the rights
7.17 accorded by section 253B.03. In addition, treatment reports, prepared in accordance with
7.18 the requirements of section 253B.12, subdivision 1, shall be filed with the Indian Health
7.19 Service or the placing tribe within 60 days of commencement of the patient's stay at the
7.20 facility. A subsequent treatment report shall be filed with the Indian Health Service or
7.21 the placing tribe within six months of the patient's admission to the facility or prior to
7.22 discharge, whichever comes first. Provisional discharge or transfer of the patient may be
7.23 authorized by the head of the treatment facility only with the consent of the Indian Health
7.24 Service or the placing tribe. Discharge from the facility to the Indian Health Service or the
7.25 placing tribe may be authorized by the head of the treatment facility after notice to and
7.26 consultation with the Indian Health Service or the placing tribe.

7.27 Sec. 8. **[256.041] CULTURAL AND ETHNIC COMMUNITIES LEADERSHIP**
7.28 **COUNCIL.**

7.29 Subdivision 1. **Establishment; purpose.** There is hereby established the Cultural
7.30 and Ethnic Communities Leadership Council for the Department of Human Services. The
7.31 purpose of the council is to advise the commissioner of human services on reducing
7.32 disparities that affect racial and ethnic groups.

7.33 Subd. 2. **Members.** (a) The council must consist of:

8.1 (1) the chairs and ranking minority members of the committees in the house of
8.2 representatives and the senate with jurisdiction over human services; and

8.3 (2) no fewer than 15 and no more than 25 members appointed by and serving at
8.4 the pleasure of the commissioner of human services, in consultation with county, tribal,
8.5 cultural, and ethnic communities; diverse program participants; and parent representatives
8.6 from these communities.

8.7 (b) In making appointments under this section, the commissioner shall give priority
8.8 consideration to public members of the legislative councils of color established under
8.9 chapter 3.

8.10 (c) Members must be appointed to allow for representation of the following groups:

8.11 (1) racial and ethnic minority groups;

8.12 (2) the American Indian community, which must be represented by two members;

8.13 (3) culturally and linguistically specific advocacy groups and service providers;

8.14 (4) human services program participants;

8.15 (5) public and private institutions;

8.16 (6) parents of human services program participants;

8.17 (7) members of the faith community;

8.18 (8) Department of Human Services employees; and

8.19 (9) any other group the commissioner deems appropriate to facilitate the goals
8.20 and duties of the council.

8.21 Subd. 3. **Guidelines.** The commissioner shall direct the development of guidelines
8.22 defining the membership of the council; setting out definitions; and developing duties of
8.23 the commissioner, the council, and council members regarding racial and ethnic disparities
8.24 reduction. The guidelines must be developed in consultation with:

8.25 (1) the chairs of relevant committees; and

8.26 (2) county, tribal, and cultural communities and program participants from these
8.27 communities.

8.28 Subd. 4. **Chair.** The commissioner shall appoint a chair.

8.29 Subd. 5. **Terms for first appointees.** The initial members appointed shall serve
8.30 until January 15, 2016.

8.31 Subd. 6. **Terms.** A term shall be for two years and appointees may be reappointed
8.32 to serve two additional terms. The commissioner shall make appointments to replace
8.33 members vacating their positions by January 15 of each year.

8.34 Subd. 7. **Duties of commissioner.** (a) The commissioner of human services or the
8.35 commissioner's designee shall:

8.36 (1) maintain the council established in this section;

- 9.1 (2) supervise and coordinate policies for persons from racial, ethnic, cultural,
9.2 linguistic, and tribal communities who experience disparities in access and outcomes;
- 9.3 (3) identify human services rules or statutes affecting persons from racial, ethnic,
9.4 cultural, linguistic, and tribal communities that may need to be revised;
- 9.5 (4) investigate and implement cost-effective models of service delivery such as
9.6 careful adaptation of clinically proven services that constitute one strategy for increasing the
9.7 number of culturally relevant services available to currently underserved populations; and
- 9.8 (5) based on recommendations of the council, review identified department
9.9 policies that maintain racial, ethnic, cultural, linguistic, and tribal disparities, and make
9.10 adjustments to ensure those disparities are not perpetuated.
- 9.11 (b) The commissioner of human services or the commissioner's designee shall
9.12 consult with the council and receive recommendations from the council when meeting the
9.13 requirements in this subdivision.
- 9.14 Subd. 8. **Duties of council.** The council shall:
- 9.15 (1) recommend to the commissioner for review identified policies in the Department
9.16 of Human Services that maintain racial, ethnic, cultural, linguistic, and tribal disparities;
- 9.17 (2) identify issues regarding disparities by engaging diverse populations in human
9.18 services programs;
- 9.19 (3) engage in mutual learning essential for achieving human services parity and
9.20 optimal wellness for service recipients;
- 9.21 (4) raise awareness about human services disparities to the legislature and media;
- 9.22 (5) provide technical assistance and consultation support to counties, private
9.23 nonprofit agencies, and other service providers to build their capacity to provide equitable
9.24 human services for persons from racial, ethnic, cultural, linguistic, and tribal communities
9.25 who experience disparities in access and outcomes;
- 9.26 (6) provide technical assistance to promote statewide development of culturally
9.27 and linguistically appropriate, accessible, and cost-effective human services and related
9.28 policies;
- 9.29 (7) provide training and outreach to facilitate access to culturally and linguistically
9.30 appropriate, accessible, and cost-effective human services to prevent disparities;
- 9.31 (8) facilitate culturally appropriate and culturally sensitive admissions, continued
9.32 services, discharges, and utilization review for human services agencies and institutions;
- 9.33 (9) form work groups to help carry out the duties of the council that include, but are
9.34 not limited to, persons who provide and receive services and representatives of advocacy
9.35 groups, and provide the work groups with clear guidelines, standardized parameters, and
9.36 tasks for the work groups to accomplish;

10.1 (10) promote information sharing in the human services community and statewide;
10.2 and

10.3 (11) by February 15 each year, prepare and submit to the chairs and ranking minority
10.4 members of the committees in the house of representatives and the senate with jurisdiction
10.5 over human services a report that summarizes the activities of the council, identifies
10.6 the major problems and issues confronting racial and ethnic groups in accessing human
10.7 services, makes recommendations to address issues, and lists the specific objectives that
10.8 the council seeks to attain during the next biennium. The report must also include a list of
10.9 programs, groups, and grants used to reduce disparities, and statistically valid reports of
10.10 outcomes on the reduction of the disparities.

10.11 Subd. 9. **Duties of council members.** The members of the council shall:

10.12 (1) attend and participate in scheduled meetings and be prepared by reviewing
10.13 meeting notes;

10.14 (2) maintain open communication channels with respective constituencies;

10.15 (3) identify and communicate issues and risks that could impact the timely
10.16 completion of tasks;

10.17 (4) collaborate on disparity reduction efforts;

10.18 (5) communicate updates of the council's work progress and status on the
10.19 Department of Human Services Web site; and

10.20 (6) participate in any activities the council or chair deems appropriate and necessary
10.21 to facilitate the goals and duties of the council.

10.22 Subd. 10. **Expiration.** The council expires on June 30, 2020.

10.23 **EFFECTIVE DATE.** This section is effective retroactively from March 15, 2015.

10.24 Sec. 9. Minnesota Statutes 2014, section 256B.0625, is amended by adding a
10.25 subdivision to read:

10.26 Subd. 17b. **Documentation required.** (a) As a condition for payment,
10.27 nonemergency medical transportation providers must document each occurrence of a
10.28 service provided to a recipient according to this subdivision. Providers must maintain
10.29 odometer and other records sufficient to distinguish individual trips with specific vehicles
10.30 and drivers. The documentation may be maintained in an electronic or paper form but
10.31 must be made available and produced upon request. Program funds paid for transportation
10.32 that is not documented according to this subdivision shall be recovered by the department.

10.33 (b) A nonemergency medical transportation provider must compile transportation
10.34 records that meet the following requirements:

- 11.1 (1) the record must be in English and must be legible according to the standard
 11.2 of a reasonable person;
- 11.3 (2) the recipient's name must be on each page of the record; and
- 11.4 (3) each entry in the record must document:
- 11.5 (i) the date on which the entry is made;
- 11.6 (ii) the date or dates the service is provided;
- 11.7 (iii) the printed last name, first name, and middle initial of the driver;
- 11.8 (iv) the signature of the driver attesting to the following: "I certify that I have
 11.9 accurately reported in this mileage log the miles I actually drove and the dates and times I
 11.10 actually drove them. I understand that misreporting the miles driven and hours worked is
 11.11 fraud for which I could face criminal prosecution or civil proceedings.";
- 11.12 (v) the signature of the recipient attesting to the following: "I certify that I received
 11.13 the reported transportation service.";
- 11.14 (vi) the description and address of both the origin and destination, and the mileage
 11.15 for the most direct route from the origin to the destination;
- 11.16 (vii) the mode of transportation in which the service is provided;
- 11.17 (viii) the license plate number of the vehicle used to transport the recipient;
- 11.18 (ix) whether the recipient is ambulatory or nonambulatory until the modes under
 11.19 section 256B.0625, subdivision 17, are implemented;
- 11.20 (x) the time of the pickup and the time of the drop-off with "a.m." and "p.m."
 11.21 designations;
- 11.22 (xi) the number of medical assistance occupants in the vehicle;
- 11.23 (xii) the name of the extra attendant when an extra attendant is used to provide
 11.24 special transportation service; and
- 11.25 (xiii) the electronic source documentation used to calculate driving directions and
 11.26 mileage.

11.27 Sec. 10. Minnesota Statutes 2014, section 256N.02, subdivision 18, is amended to read:

11.28 Subd. 18. **Relative.** "Relative," as described in section 260C.007, subdivision 27,
 11.29 means a person related to the child by blood, marriage, or adoption, or an individual
 11.30 who is an important friend with whom the child has resided or had significant contact.
 11.31 For an Indian child, relative, as described in section 260C.007, subdivision 26b, includes
 11.32 ~~members~~ a person who is a member of the Indian child's extended family as defined by
 11.33 ~~the law or custom of the Indian child's tribe or, in the absence of law or custom, nieces,~~
 11.34 ~~nephews, or first or second cousins, as provided in the Indian Child Welfare Act of 1978,~~
 11.35 ~~United States Code, title 25, section 1903.~~

12.1 Sec. 11. Minnesota Statutes 2014, section 256N.23, subdivision 6, is amended to read:

12.2 Subd. 6. **Exclusions.** The commissioner must not enter into an adoption assistance
12.3 agreement with the following individuals:

12.4 (1) a child's biological parent or stepparent;

12.5 (2) a child's relative under section 260C.007, subdivision 26b or 27, with whom the
12.6 child resided immediately prior to child welfare involvement unless:

12.7 (i) the child was in the custody of a Minnesota county or tribal agency pursuant to
12.8 an order under chapter 260C or equivalent provisions of tribal code and the agency had
12.9 placement and care responsibility for permanency planning for the child; and

12.10 (ii) the child is under guardianship of the commissioner of human services according
12.11 to the requirements of section 260C.325, subdivision 1 or 3, or is a ward of a Minnesota
12.12 tribal court after termination of parental rights, suspension of parental rights, or a finding
12.13 by the tribal court that the child cannot safely return to the care of the parent;

12.14 (3) an individual adopting a child who is the subject of a direct adoptive placement
12.15 under section 259.47 or the equivalent in tribal code;

12.16 (4) a child's legal custodian or guardian who is now adopting the child; or

12.17 (5) an individual who is adopting a child who is not a citizen or resident of the
12.18 United States and was either adopted in another country or brought to the United States
12.19 for the purposes of adoption.

12.20 Sec. 12. Minnesota Statutes 2014, section 257.85, subdivision 3, is amended to read:

12.21 Subd. 3. **Definitions.** For purposes of this section, the terms defined in this
12.22 subdivision have the meanings given them.

12.23 (a) "MFIP standard" means the transitional standard used to calculate assistance
12.24 under the MFIP program, or, if permanent legal and physical custody of the child is given
12.25 to a relative custodian residing outside of Minnesota, the analogous transitional standard
12.26 or standard of need used to calculate assistance under the TANF program of the state
12.27 where the relative custodian lives.

12.28 (b) "Local agency" means the county social services agency or tribal social services
12.29 agency with legal custody of a child prior to the transfer of permanent legal and physical
12.30 custody.

12.31 (c) "Permanent legal and physical custody" means permanent legal and physical
12.32 custody ordered by a Minnesota Juvenile Court under section 260C.515, subdivision 4.

12.33 (d) "Relative" has the meaning given in section 260C.007, subdivision 26b or 27.

12.34 (e) "Relative custodian" means a person who has permanent legal and physical
12.35 custody of a child. When siblings, including half-siblings and stepsiblings, are placed

13.1 together in permanent legal and physical custody, the person receiving permanent legal
 13.2 and physical custody of the siblings is considered a relative custodian of all of the siblings
 13.3 for purposes of this section.

13.4 (f) "Relative custody assistance agreement" means an agreement entered into
 13.5 between a local agency and a person who has been or will be awarded permanent legal
 13.6 and physical custody of a child.

13.7 (g) "Relative custody assistance payment" means a monthly cash grant made to a
 13.8 relative custodian pursuant to a relative custody assistance agreement and in an amount
 13.9 calculated under subdivision 7.

13.10 (h) "Remains in the physical custody of the relative custodian" means that the
 13.11 relative custodian is providing day-to-day care for the child and that the child lives with
 13.12 the relative custodian; absence from the relative custodian's home for a period of more
 13.13 than 120 days raises a presumption that the child no longer remains in the physical
 13.14 custody of the relative custodian.

13.15 Sec. 13. Minnesota Statutes 2014, section 259A.01, subdivision 25, is amended to read:

13.16 Subd. 25. **Relative.** "Relative" means a person related to the child by blood,
 13.17 marriage, or adoption, or an individual who is an important friend with whom the child has
 13.18 resided or had significant contact. For an Indian child, relative includes ~~members~~ a person
 13.19 who is a member of the Indian child's extended family as defined by law or custom of the
 13.20 ~~Indian child's tribe, or, in the absence of law or custom, shall be a person who has reached~~
 13.21 ~~the age of 18 and who is the Indian child's grandparent, aunt or uncle, brother or sister,~~
 13.22 ~~brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent, as~~
 13.23 ~~provided~~ in the Indian Child Welfare Act of 1978, United States Code, title 25, section 1903.

13.24 Sec. 14. Minnesota Statutes 2014, section 259A.10, subdivision 6, is amended to read:

13.25 Subd. 6. **Exclusions.** The commissioner shall not enter into an adoption assistance
 13.26 agreement with:

13.27 (1) a child's biological parent or stepparent;

13.28 (2) a child's relative, according to section 260C.007, subdivision 26b or 27, with
 13.29 whom the child resided immediately prior to child welfare involvement unless:

13.30 (i) the child was in the custody of a Minnesota county or tribal agency pursuant to
 13.31 an order under chapter 260C or equivalent provisions of tribal code and the agency had
 13.32 placement and care responsibility for permanency planning for the child; and

13.33 (ii) the child is under guardianship of the commissioner of human services according
 13.34 to the requirements of section 260C.325, subdivision 1, paragraphs (a) and (b), or

14.1 subdivision 3, paragraphs (a) and (b), or is a ward of a Minnesota tribal court after
 14.2 termination of parental rights, suspension of parental rights, or a finding by the tribal court
 14.3 that the child cannot safely return to the care of the parent;

14.4 (3) a child's legal custodian or guardian who is now adopting the child;

14.5 (4) an individual adopting a child who is the subject of a direct adoptive placement
 14.6 under section 259.47 or the equivalent in tribal code; or

14.7 (5) an individual who is adopting a child who is not a citizen or resident of the
 14.8 United States and was either adopted in another country or brought to this country for
 14.9 the purposes of adoption.

14.10 Sec. 15. **[260.753] PURPOSES.**

14.11 The purposes of this act are to:

14.12 (1) protect the long-term interests, as defined by the tribes, of Indian children, their
 14.13 families as defined by law or custom, and the child's tribe; and

14.14 (2) preserve the Indian family and tribal identity, including an understanding that
 14.15 Indian children are damaged if family and child tribal identity and contact are denied.
 14.16 Indian children are the future of the tribes and are vital to their very existence.

14.17 Sec. 16. Minnesota Statutes 2014, section 260.755, is amended by adding a subdivision
 14.18 to read:

14.19 Subd. 1a. **Active efforts.** "Active efforts" means a rigorous and concerted level
 14.20 of effort that is ongoing throughout the involvement of the local social services agency
 14.21 to continuously involve the Indian child's tribe and that uses the prevailing social and
 14.22 cultural values, conditions, and way of life of the Indian child's tribe to preserve the
 14.23 Indian child's family and prevent placement of an Indian child and, if placement occurs, to
 14.24 return the Indian child to the child's family at the earliest possible time. Active efforts
 14.25 sets a higher standard than reasonable efforts to preserve the family, prevent breakup of
 14.26 the family, and reunify the family, according to section 260.762. Active efforts includes
 14.27 reasonable efforts as required by Title IV-E of the Social Security Act, United States
 14.28 Code, title 42, sections 670 to 679c.

14.29 Sec. 17. Minnesota Statutes 2014, section 260.755, is amended by adding a subdivision
 14.30 to read:

14.31 Subd. 2a. **Best interests of an Indian child.** "Best interests of an Indian child"
 14.32 means compliance with the Indian Child Welfare Act and the Minnesota Indian Family
 14.33 Preservation Act to preserve and maintain an Indian child's family. The best interests of

15.1 an Indian child support the child's sense of belonging to family, extended family, and
 15.2 tribe. The best interests of an Indian child are interwoven with the best interests of the
 15.3 Indian child's tribe.

15.4 Sec. 18. Minnesota Statutes 2014, section 260.755, subdivision 8, is amended to read:

15.5 Subd. 8. **Indian child.** "Indian child" means an unmarried person who is under
 15.6 age 18 and is:

15.7 (1) a member of an Indian tribe; or

15.8 (2) eligible for membership in an Indian tribe.

15.9 A determination by a tribe that a child is a member of the Indian tribe or is eligible
 15.10 for membership in the Indian tribe is conclusive. For purposes of this chapter and chapters
 15.11 256N, 260C, and 260D, Indian child also includes an unmarried person who satisfies
 15.12 either clause (1) or (2), is under age 21, and is in foster care pursuant to section 260C.451.

15.13 Sec. 19. Minnesota Statutes 2014, section 260.755, subdivision 14, is amended to read:

15.14 Subd. 14. **Parent.** "Parent" means the biological parent of an Indian child, or any
 15.15 Indian person who has lawfully adopted an Indian child, including a person who has
 15.16 adopted a child by tribal law or custom. ~~It~~ Parent includes a father as defined by tribal
 15.17 law or custom. Parent does not include an unmarried father whose paternity has not been
 15.18 acknowledged or established. Paternity has been acknowledged when an unmarried father
 15.19 takes any action to hold himself out as the biological father of an Indian child.

15.20 Sec. 20. Minnesota Statutes 2014, section 260.761, subdivision 1, is amended to read:

15.21 Subdivision 1. ~~**Determination of Indian child's tribe**~~ **Inquiry of tribal lineage.**
 15.22 ~~The local social services agency or private licensed child-placing agency shall determine~~
 15.23 ~~whether a child brought to its attention for the purposes described in this section is an Indian~~
 15.24 ~~child and the identity of the Indian child's tribe~~ inquire of the child, the child's parents and
 15.25 custodians, and other appropriate persons whether there is any reason to believe that a
 15.26 child brought to the agency's attention may have lineage to an Indian tribe. This inquiry
 15.27 shall occur at the time the child comes to the attention of the local social services agency.

15.28 Sec. 21. Minnesota Statutes 2014, section 260.761, subdivision 2, is amended to read:

15.29 Subd. 2. ~~**Agency and court notice of potential out-of-home placement to tribes.**~~

15.30 ~~(a) When a local social services agency or private child-placing agency determines that~~
 15.31 ~~an Indian child is in a dependent or other condition that could lead to an out-of-home~~
 15.32 ~~placement and requires the continued involvement of the agency with the child for a~~

16.1 ~~period in excess of 30 days, the agency shall send notice of the condition and of the initial~~
16.2 ~~steps taken to remedy it to the Indian child's tribal social services agency within seven~~
16.3 ~~days of the determination.~~ has information that a family assessment or investigation being
16.4 conducted may involve an Indian child, the local social services agency shall notify the
16.5 Indian child's tribe of the family assessment or investigation according to section 626.556,
16.6 subdivision 10, paragraph (a), clause (5). Initial notice shall be provided by telephone
16.7 and by e-mail or facsimile. The local social services agency shall request that the tribe
16.8 or a designated tribal representative participate in evaluating the family circumstances,
16.9 identifying family and tribal community resources, and developing case plans.

16.10 (b) When a local social services agency has information that a child receiving
16.11 services may be an Indian child, the local social services agency shall notify the tribe by
16.12 telephone and by e-mail or facsimile of the child's full name and date of birth, the full
16.13 names and dates of birth of the child's biological parents, and, if known, the full names
16.14 and dates of birth of the child's grandparents and of the child's Indian custodian. This
16.15 notification must be provided so the tribe can determine if the child is enrolled in the tribe
16.16 or eligible for membership, and must be provided within seven days. If information
16.17 regarding the child's grandparents or Indian custodian is not available within the seven-day
16.18 period, the local social services agency shall continue to request this information and shall
16.19 notify the tribe when it is received. Notice shall be provided to all tribes to which the child
16.20 may have any tribal lineage. If the identity or location of the child's parent or Indian
16.21 custodian and tribe cannot be determined, the local social services agency shall provide
16.22 the notice required in this paragraph to the United States secretary of the interior.

16.23 (c) In accordance with sections 260C.151 and 260C.152, when a court has reason
16.24 to believe that a child placed in emergency protective care is an Indian child, the court
16.25 administrator or a designee shall, as soon as possible and before a hearing takes place,
16.26 notify the tribal social services agency by telephone and by e-mail or facsimile of the date,
16.27 time, and location of the emergency protective case hearing. The court shall make efforts to
16.28 allow appearances by telephone for tribal representatives, parents, and Indian custodians.

16.29 (d) A local social services agency must provide the notices required under this
16.30 subdivision at the earliest possible time to facilitate involvement of the Indian child's tribe.
16.31 Nothing in this subdivision is intended to hinder the ability of the local social services
16.32 agency and the court to respond to an emergency situation. Lack of participation by a tribe
16.33 shall not prevent the tribe from intervening in services and proceedings at a later date. A
16.34 tribe may participate at any time. At this and any subsequent stage of its the local social
16.35 services agency's involvement with an Indian child, the agency shall, upon request, give
16.36 provide full cooperation to the tribal social services agency full cooperation, including

17.1 ~~access to all files~~ disclosure of all data concerning the Indian child. If the files contain
17.2 ~~confidential or private data, the agency may require execution of an agreement with the~~
17.3 ~~tribal social services agency that the tribal social services agency shall maintain the data~~
17.4 ~~according to statutory provisions applicable to the data. This subdivision applies whenever~~
17.5 ~~the court transfers legal custody of an Indian child under section 260B.198, subdivision~~
17.6 ~~1, clause (3), item (i), (ii), or (iii), following an adjudication for a misdemeanor-level~~
17.7 ~~delinquent act. Nothing in this subdivision relieves the local social services agency of~~
17.8 ~~satisfying the notice requirements in the Indian Child Welfare Act.~~

17.9 Sec. 22. **[260.762] DUTY TO PREVENT OUT-OF-HOME PLACEMENT AND**
17.10 **PROMOTE FAMILY REUNIFICATION; ACTIVE EFFORTS.**

17.11 Subdivision 1. Active efforts. Active efforts includes acknowledging traditional
17.12 helping and healing systems of an Indian child's tribe and using these systems as the core
17.13 to help and heal the Indian child and family.

17.14 Subd. 2. Requirements for local social services agencies. A local social services
17.15 agency shall:

17.16 (1) work with the Indian child's tribe and family to develop an alternative plan to
17.17 out-of-home placement;

17.18 (2) before making a decision that may affect an Indian child's safety and well-being
17.19 or when contemplating out-of-home placement of an Indian child, seek guidance from
17.20 the Indian child's tribe on family structure, how the family can seek help, what family
17.21 and tribal resources are available, and what barriers the family faces at that time that
17.22 could threaten its preservation; and

17.23 (3) request participation of the Indian child's tribe at the earliest possible time and
17.24 request the tribe's active participation throughout the case.

17.25 Subd. 3. Required findings that active efforts were provided. A court shall not
17.26 order an out-of-home or permanency placement for an Indian child unless the court finds
17.27 that the local social services agency made active efforts to the Indian child's family. In
17.28 determining whether the local social services agency made active efforts for purposes
17.29 of out-of-home placement and permanency, the court shall make findings regarding
17.30 whether the following activities were appropriate and whether the local social services
17.31 agency made appropriate and meaningful services available to the family based upon that
17.32 family's specific needs:

17.33 (1) whether the local social services agency made efforts at the earliest point
17.34 possible to (i) identify whether a child may be an Indian child as defined in the Indian
17.35 Child Welfare Act, United States Code, title 25, section 1903, and section 260.755,

18.1 subdivision 8; and (ii) identify and request participation of the Indian child's tribe at the
18.2 earliest point possible and throughout the investigation or assessment, case planning,
18.3 provision of services, and case completion;

18.4 (2) whether the local social services agency requested that a tribally designated
18.5 representative with substantial knowledge of prevailing social and cultural standards
18.6 and child-rearing practices within the tribal community evaluate the circumstances of
18.7 the Indian child's family and assist in developing a case plan that uses tribal and Indian
18.8 community resources;

18.9 (3) whether the local social services agency provided concrete services and access
18.10 to both tribal and nontribal services to members of the Indian child's family, including
18.11 but not limited to financial assistance, food, housing, health care, transportation, in-home
18.12 services, community support services, and specialized services; and whether these services
18.13 are being provided in an ongoing manner throughout the agency's involvement with the
18.14 family, to directly assist the family in accessing and utilizing services to maintain the
18.15 Indian family, or reunify the Indian family as soon as safety can be assured if out-of-home
18.16 placement has occurred;

18.17 (4) whether the local social services agency notified and consulted with the Indian
18.18 child's extended family members, as identified by the child, the child's parents, or the
18.19 tribe; whether extended family members were consulted to provide support to the child
18.20 and parents, to inform the local social services agency and court as to cultural connections
18.21 and family structure, to assist in identifying appropriate cultural services and supports for
18.22 the child and parents, and to identify and serve as a placement and permanency resource
18.23 for the child; and if there was difficulty contacting or engaging with extended family
18.24 members, whether assistance was sought from the tribe, the Department of Human
18.25 Services, or other agencies with expertise in working with Indian families;

18.26 (5) whether the local social services agency provided services and resources to
18.27 relatives who are considered the primary placement option for an Indian child, as agreed
18.28 by the local social services agency and the tribe, to overcome barriers to providing care
18.29 to an Indian child. Services and resources shall include but are not limited to child care
18.30 assistance, financial assistance, housing resources, emergency resources, and foster care
18.31 licensing assistance and resources; and

18.32 (6) whether the local social services agency arranged for visitation to occur, whenever
18.33 possible, in the home of the Indian child's parent, Indian custodian, or other family member
18.34 or in another noninstitutional setting, in order to keep the child in close contact with
18.35 parents, siblings, and other relatives regardless of the child's age and to allow the child and
18.36 those with whom the child visits to have natural, unsupervised interaction when consistent

19.1 with protecting the child's safety; and whether the local social services agency consulted
19.2 with a tribal representative to determine and arrange for visitation in the most natural
19.3 setting that ensures the child's safety, when the child's safety requires supervised visitation.

19.4 Sec. 23. Minnesota Statutes 2014, section 260.771, subdivision 3, is amended to read:

19.5 Subd. 3. **Transfer of proceedings.** (a) In a proceeding for: (1) the termination of
19.6 parental rights; or (2) the involuntary foster care placement of an Indian child not within
19.7 the jurisdiction of subdivision 1, the court, in the absence of good cause to the contrary,
19.8 shall transfer the proceeding to the jurisdiction of the tribe absent objection by either
19.9 parent, upon the petition of either parent or the Indian custodian, or the Indian child's
19.10 tribe. The transfer is subject to declination by the tribal court of the tribe.

19.11 (b) In a proceeding for the preadoptive or adoptive placement of an Indian child not
19.12 within the jurisdiction of subdivision 1, the court, in the absence of good cause to the
19.13 contrary, shall transfer the proceeding to the jurisdiction of the tribe. The transfer is
19.14 subject to declination by the tribal court of the tribe. For the purposes of this subdivision,
19.15 "preadoptive placement" and "adoptive placement" have the meanings give in section
19.16 260.755, subdivision 3.

19.17 (c) At any point in a proceeding for finalizing a permanency plan, the court, in the
19.18 absence of good cause to the contrary and in the absence of an objection by either parent,
19.19 shall transfer the proceeding to tribal court for the purpose of achieving a customary
19.20 adoption or other culturally appropriate permanency option. This transfer shall be made
19.21 upon the petition of a parent whose parental rights have not been terminated, the Indian
19.22 custodian, or the Indian child's tribe. The transfer is subject to declination by the tribal
19.23 court of the tribe.

19.24 Sec. 24. Minnesota Statutes 2014, section 260B.007, subdivision 12, is amended to read:

19.25 Subd. 12. **Relative.** "Relative" means a parent, stepparent, grandparent, brother,
19.26 sister, uncle, or aunt of the minor. This relationship may be by blood or marriage. For an
19.27 Indian child, relative ~~includes members~~ means a person who is a member of the extended
19.28 Indian child's family as defined by the law or custom of the Indian child's tribe or, in the
19.29 absence of laws or custom, nieces, nephews, or first or second cousins, as provided in the
19.30 Indian Child Welfare Act of 1978, United States Code, title 25, section 1903, paragraphs
19.31 (2), (6), and (9).

19.32 Sec. 25. Minnesota Statutes 2014, section 260C.007, is amended by adding a
19.33 subdivision to read:

20.1 Subd. 26b. **Relative of an Indian child.** "Relative of an Indian child" means a
20.2 person who is a member of the Indian child's family as defined in the Indian Child Welfare
20.3 Act of 1978, United States Code, title 25, section 1903, paragraphs (2), (6), and (9).

20.4 Sec. 26. Minnesota Statutes 2014, section 260C.007, subdivision 27, is amended to read:

20.5 Subd. 27. **Relative.** "Relative" means a person related to the child by blood,
20.6 marriage, or adoption, or an individual who is an important friend with whom the child
20.7 has resided or had significant contact. ~~For an Indian child, relative includes members of~~
20.8 ~~the extended family as defined by the law or custom of the Indian child's tribe or, in the~~
20.9 ~~absence of law or custom, nieces, nephews, or first or second cousins, as provided in the~~
20.10 ~~Indian Child Welfare Act of 1978, United States Code, title 25, section 1903.~~

20.11 Sec. 27. Minnesota Statutes 2014, section 260C.168, is amended to read:

20.12 **260C.168 COMPLIANCE WITH INDIAN CHILD WELFARE ACT AND**
20.13 **MINNESOTA INDIAN FAMILY PRESERVATION ACT.**

20.14 The provisions of this chapter must be construed consistently with the Indian
20.15 Child Welfare Act of 1978, United States Code, title 25, sections 1901 to 1963, and the
20.16 Minnesota Indian Family Preservation Act, sections 260.751 to 260.835.

20.17 Sec. 28. Minnesota Statutes 2014, section 260C.178, subdivision 1, is amended to read:

20.18 Subdivision 1. **Hearing and release requirements.** (a) If a child was taken into
20.19 custody under section 260C.175, subdivision 1, clause (1) or (2), item (ii), the court shall
20.20 hold a hearing within 72 hours of the time the child was taken into custody, excluding
20.21 Saturdays, Sundays, and holidays, to determine whether the child should continue in
20.22 custody.

20.23 (b) Unless there is reason to believe that the child would endanger self or others or
20.24 not return for a court hearing, or that the child's health or welfare would be immediately
20.25 endangered, the child shall be released to the custody of a parent, guardian, custodian,
20.26 or other suitable person, subject to reasonable conditions of release including, but not
20.27 limited to, a requirement that the child undergo a chemical use assessment as provided in
20.28 section 260C.157, subdivision 1.

20.29 (c) If the court determines there is reason to believe that the child would endanger
20.30 self or others or not return for a court hearing, or that the child's health or welfare would
20.31 be immediately endangered if returned to the care of the parent or guardian who has
20.32 custody and from whom the child was removed, the court shall order the child into
20.33 foster care under the legal responsibility of the responsible social services agency or

21.1 responsible probation or corrections agency for the purposes of protective care as that term
21.2 is used in the juvenile court rules or into the home of a noncustodial parent and order the
21.3 noncustodial parent to comply with any conditions the court determines to be appropriate
21.4 to the safety and care of the child, including cooperating with paternity establishment
21.5 proceedings in the case of a man who has not been adjudicated the child's father. The
21.6 court shall not give the responsible social services legal custody and order a trial home
21.7 visit at any time prior to adjudication and disposition under section 260C.201, subdivision
21.8 1, paragraph (a), clause (3), but may order the child returned to the care of the parent or
21.9 guardian who has custody and from whom the child was removed and order the parent or
21.10 guardian to comply with any conditions the court determines to be appropriate to meet
21.11 the safety, health, and welfare of the child.

21.12 (d) In determining whether the child's health or welfare would be immediately
21.13 endangered, the court shall consider whether the child would reside with a perpetrator
21.14 of domestic child abuse.

21.15 (e) The court, before determining whether a child should be placed in or continue
21.16 in foster care under the protective care of the responsible agency, shall also make a
21.17 determination, consistent with section 260.012 as to whether reasonable efforts were made
21.18 to prevent placement or whether reasonable efforts to prevent placement are not required.
21.19 In the case of an Indian child, the court shall determine whether active efforts, according
21.20 to section 260.762 and the Indian Child Welfare Act of 1978, United States Code, title
21.21 25, section 1912(d), were made to prevent placement. The court shall enter a finding that
21.22 the responsible social services agency has made reasonable efforts to prevent placement
21.23 when the agency establishes either:

21.24 (1) that it has actually provided services or made efforts in an attempt to prevent
21.25 the child's removal but that such services or efforts have not proven sufficient to permit
21.26 the child to safely remain in the home; or

21.27 (2) that there are no services or other efforts that could be made at the time of the
21.28 hearing that could safely permit the child to remain home or to return home. When
21.29 reasonable efforts to prevent placement are required and there are services or other efforts
21.30 that could be ordered which would permit the child to safely return home, the court shall
21.31 order the child returned to the care of the parent or guardian and the services or efforts put
21.32 in place to ensure the child's safety. When the court makes a prima facie determination
21.33 that one of the circumstances under paragraph (g) exists, the court shall determine that
21.34 reasonable efforts to prevent placement and to return the child to the care of the parent or
21.35 guardian are not required.

22.1 If the court finds the social services agency's preventive or reunification efforts
22.2 have not been reasonable but further preventive or reunification efforts could not permit
22.3 the child to safely remain at home, the court may nevertheless authorize or continue
22.4 the removal of the child.

22.5 (f) The court may not order or continue the foster care placement of the child unless
22.6 the court makes explicit, individualized findings that continued custody of the child by
22.7 the parent or guardian would be contrary to the welfare of the child and that placement is
22.8 in the best interest of the child.

22.9 (g) At the emergency removal hearing, or at any time during the course of the
22.10 proceeding, and upon notice and request of the county attorney, the court shall determine
22.11 whether a petition has been filed stating a prima facie case that:

22.12 (1) the parent has subjected a child to egregious harm as defined in section
22.13 260C.007, subdivision 14;

22.14 (2) the parental rights of the parent to another child have been involuntarily
22.15 terminated;

22.16 (3) the child is an abandoned infant under section 260C.301, subdivision 2,
22.17 paragraph (a), clause (2);

22.18 (4) the parents' custodial rights to another child have been involuntarily transferred
22.19 to a relative under Minnesota Statutes 2010, section 260C.201, subdivision 11, paragraph
22.20 (e), clause (1); section 260C.515, subdivision 4; or a similar law of another jurisdiction;

22.21 (5) the parent has committed sexual abuse as defined in section 626.556, subdivision
22.22 2, against the child or another child of the parent;

22.23 (6) the parent has committed an offense that requires registration as a predatory
22.24 offender under section 243.166, subdivision 1b, paragraph (a) or (b); or

22.25 (7) the provision of services or further services for the purpose of reunification is
22.26 futile and therefore unreasonable.

22.27 (h) When a petition to terminate parental rights is required under section 260C.301,
22.28 subdivision 4, or 260C.503, subdivision 2, but the county attorney has determined not to
22.29 proceed with a termination of parental rights petition, and has instead filed a petition to
22.30 transfer permanent legal and physical custody to a relative under section 260C.507, the
22.31 court shall schedule a permanency hearing within 30 days of the filing of the petition.

22.32 (i) If the county attorney has filed a petition under section 260C.307, the court shall
22.33 schedule a trial under section 260C.163 within 90 days of the filing of the petition except
22.34 when the county attorney determines that the criminal case shall proceed to trial first under
22.35 section 260C.503, subdivision 2, paragraph (c).

23.1 (j) If the court determines the child should be ordered into foster care and the child's
23.2 parent refuses to give information to the responsible social services agency regarding
23.3 the child's father or relatives of the child, the court may order the parent to disclose the
23.4 names, addresses, telephone numbers, and other identifying information to the responsible
23.5 social services agency for the purpose of complying with sections 260C.151, 260C.212,
23.6 260C.215, and 260C.221.

23.7 (k) If a child ordered into foster care has siblings, whether full, half, or step, who
23.8 are also ordered into foster care, the court shall inquire of the responsible social services
23.9 agency of the efforts to place the children together as required by section 260C.212,
23.10 subdivision 2, paragraph (d), if placement together is in each child's best interests, unless
23.11 a child is in placement for treatment or a child is placed with a previously noncustodial
23.12 parent who is not a parent to all siblings. If the children are not placed together at the time
23.13 of the hearing, the court shall inquire at each subsequent hearing of the agency's reasonable
23.14 efforts to place the siblings together, as required under section 260.012. If any sibling is
23.15 not placed with another sibling or siblings, the agency must develop a plan to facilitate
23.16 visitation or ongoing contact among the siblings as required under section 260C.212,
23.17 subdivision 1, unless it is contrary to the safety or well-being of any of the siblings to do so.

23.18 (l) When the court has ordered the child into foster care or into the home of a
23.19 noncustodial parent, the court may order a chemical dependency evaluation, mental health
23.20 evaluation, medical examination, and parenting assessment for the parent as necessary
23.21 to support the development of a plan for reunification required under subdivision 7 and
23.22 section 260C.212, subdivision 1, or the child protective services plan under section
23.23 626.556, subdivision 10, and Minnesota Rules, part 9560.0228.

23.24 Sec. 29. Minnesota Statutes 2014, section 260C.201, subdivision 5, is amended to read:

23.25 Subd. 5. **Visitation.** If the court orders the child into foster care, the court shall
23.26 review and either modify or approve the agency's plan for supervised or unsupervised
23.27 visitation that contributes to the objectives of the court-ordered case plan and the
23.28 maintenance of the familial relationship, and that meets the requirements of section
23.29 260C.212, subdivision 1, paragraph (c), clause (5). No parent may be denied visitation
23.30 unless the court finds at the disposition hearing that the visitation would endanger the
23.31 child's physical or emotional well-being, is not in the child's best interests, or is not
23.32 required under section 260C.178, subdivision 3, paragraph (c) or (d). The court shall
23.33 review and either modify or approve the agency plan for visitation for any relatives as
23.34 defined in section 260C.007, subdivision 26b or 27, and with siblings of the child, if
23.35 visitation is consistent with the best interests of the child.

24.1 Sec. 30. Minnesota Statutes 2014, section 260C.212, subdivision 1, is amended to read:

24.2 Subdivision 1. **Out-of-home placement; plan.** (a) An out-of-home placement plan
24.3 shall be prepared within 30 days after any child is placed in foster care by court order or a
24.4 voluntary placement agreement between the responsible social services agency and the
24.5 child's parent pursuant to section 260C.227 or chapter 260D.

24.6 (b) An out-of-home placement plan means a written document which is prepared
24.7 by the responsible social services agency jointly with the parent or parents or guardian
24.8 of the child and in consultation with the child's guardian ad litem, the child's tribe, if the
24.9 child is an Indian child, the child's foster parent or representative of the foster care facility,
24.10 and, where appropriate, the child. For a child in voluntary foster care for treatment under
24.11 chapter 260D, preparation of the out-of-home placement plan shall additionally include
24.12 the child's mental health treatment provider. As appropriate, the plan shall be:

24.13 (1) submitted to the court for approval under section 260C.178, subdivision 7;

24.14 (2) ordered by the court, either as presented or modified after hearing, under section
24.15 260C.178, subdivision 7, or 260C.201, subdivision 6; and

24.16 (3) signed by the parent or parents or guardian of the child, the child's guardian ad
24.17 litem, a representative of the child's tribe, the responsible social services agency, and, if
24.18 possible, the child.

24.19 (c) The out-of-home placement plan shall be explained to all persons involved in its
24.20 implementation, including the child who has signed the plan, and shall set forth:

24.21 (1) a description of the foster care home or facility selected, including how the
24.22 out-of-home placement plan is designed to achieve a safe placement for the child in the
24.23 least restrictive, most family-like, setting available which is in close proximity to the home
24.24 of the parent or parents or guardian of the child when the case plan goal is reunification,
24.25 and how the placement is consistent with the best interests and special needs of the child
24.26 according to the factors under subdivision 2, paragraph (b);

24.27 (2) the specific reasons for the placement of the child in foster care, and when
24.28 reunification is the plan, a description of the problems or conditions in the home of the
24.29 parent or parents which necessitated removal of the child from home and the changes the
24.30 parent or parents must make in order for the child to safely return home;

24.31 (3) a description of the services offered and provided to prevent removal of the child
24.32 from the home and to reunify the family including:

24.33 (i) the specific actions to be taken by the parent or parents of the child to eliminate
24.34 or correct the problems or conditions identified in clause (2), and the time period during
24.35 which the actions are to be taken; and

25.1 (ii) the reasonable efforts, or in the case of an Indian child, active efforts to be made
25.2 to achieve a safe and stable home for the child including social and other supportive
25.3 services to be provided or offered to the parent or parents or guardian of the child, the
25.4 child, and the residential facility during the period the child is in the residential facility;

25.5 (4) a description of any services or resources that were requested by the child or the
25.6 child's parent, guardian, foster parent, or custodian since the date of the child's placement
25.7 in the residential facility, and whether those services or resources were provided and if
25.8 not, the basis for the denial of the services or resources;

25.9 (5) the visitation plan for the parent or parents or guardian, other relatives as defined
25.10 in section 260C.007, subdivision 26b or 27, and siblings of the child if the siblings are not
25.11 placed together in foster care, and whether visitation is consistent with the best interest
25.12 of the child, during the period the child is in foster care;

25.13 (6) when a child cannot return to or be in the care of either parent, documentation of
25.14 steps to finalize the permanency plan for the child, including:

25.15 (i) reasonable efforts to place the child for adoption. At a minimum, the
25.16 documentation must include consideration of whether adoption is in the best interests of
25.17 the child, child-specific recruitment efforts such as relative search and the use of state,
25.18 regional, and national adoption exchanges to facilitate orderly and timely placements in
25.19 and outside of the state. A copy of this documentation shall be provided to the court in the
25.20 review required under section 260C.317, subdivision 3, paragraph (b); and

25.21 (ii) documentation necessary to support the requirements of the kinship placement
25.22 agreement under section 256N.22 when adoption is determined not to be in the child's
25.23 best interests;

25.24 (7) efforts to ensure the child's educational stability while in foster care, including:

25.25 (i) efforts to ensure that the child remains in the same school in which the child was
25.26 enrolled prior to placement or upon the child's move from one placement to another,
25.27 including efforts to work with the local education authorities to ensure the child's
25.28 educational stability; or

25.29 (ii) if it is not in the child's best interest to remain in the same school that the child
25.30 was enrolled in prior to placement or move from one placement to another, efforts to
25.31 ensure immediate and appropriate enrollment for the child in a new school;

25.32 (8) the educational records of the child including the most recent information
25.33 available regarding:

25.34 (i) the names and addresses of the child's educational providers;

25.35 (ii) the child's grade level performance;

25.36 (iii) the child's school record;

- 26.1 (iv) a statement about how the child's placement in foster care takes into account
26.2 proximity to the school in which the child is enrolled at the time of placement; and
- 26.3 (v) any other relevant educational information;
- 26.4 (9) the efforts by the local agency to ensure the oversight and continuity of health
26.5 care services for the foster child, including:
- 26.6 (i) the plan to schedule the child's initial health screens;
- 26.7 (ii) how the child's known medical problems and identified needs from the screens,
26.8 including any known communicable diseases, as defined in section 144.4172, subdivision
26.9 2, will be monitored and treated while the child is in foster care;
- 26.10 (iii) how the child's medical information will be updated and shared, including
26.11 the child's immunizations;
- 26.12 (iv) who is responsible to coordinate and respond to the child's health care needs,
26.13 including the role of the parent, the agency, and the foster parent;
- 26.14 (v) who is responsible for oversight of the child's prescription medications;
- 26.15 (vi) how physicians or other appropriate medical and nonmedical professionals
26.16 will be consulted and involved in assessing the health and well-being of the child and
26.17 determine the appropriate medical treatment for the child; and
- 26.18 (vii) the responsibility to ensure that the child has access to medical care through
26.19 either medical insurance or medical assistance;
- 26.20 (10) the health records of the child including information available regarding:
- 26.21 (i) the names and addresses of the child's health care and dental care providers;
- 26.22 (ii) a record of the child's immunizations;
- 26.23 (iii) the child's known medical problems, including any known communicable
26.24 diseases as defined in section 144.4172, subdivision 2;
- 26.25 (iv) the child's medications; and
- 26.26 (v) any other relevant health care information such as the child's eligibility for
26.27 medical insurance or medical assistance;
- 26.28 (11) an independent living plan for a child age 16 or older. The plan should include,
26.29 but not be limited to, the following objectives:
- 26.30 (i) educational, vocational, or employment planning;
- 26.31 (ii) health care planning and medical coverage;
- 26.32 (iii) transportation including, where appropriate, assisting the child in obtaining a
26.33 driver's license;
- 26.34 (iv) money management, including the responsibility of the agency to ensure that
26.35 the youth annually receives, at no cost to the youth, a consumer report as defined under
26.36 section 13C.001 and assistance in interpreting and resolving any inaccuracies in the report;

27.1 (v) planning for housing;
27.2 (vi) social and recreational skills; and
27.3 (vii) establishing and maintaining connections with the child's family and
27.4 community; and

27.5 (12) for a child in voluntary foster care for treatment under chapter 260D, diagnostic
27.6 and assessment information, specific services relating to meeting the mental health care
27.7 needs of the child, and treatment outcomes.

27.8 (d) The parent or parents or guardian and the child each shall have the right to legal
27.9 counsel in the preparation of the case plan and shall be informed of the right at the time
27.10 of placement of the child. The child shall also have the right to a guardian ad litem.
27.11 If unable to employ counsel from their own resources, the court shall appoint counsel
27.12 upon the request of the parent or parents or the child or the child's legal guardian. The
27.13 parent or parents may also receive assistance from any person or social services agency
27.14 in preparation of the case plan.

27.15 After the plan has been agreed upon by the parties involved or approved or ordered
27.16 by the court, the foster parents shall be fully informed of the provisions of the case plan
27.17 and shall be provided a copy of the plan.

27.18 Upon discharge from foster care, the parent, adoptive parent, or permanent legal and
27.19 physical custodian, as appropriate, and the child, if appropriate, must be provided with
27.20 a current copy of the child's health and education record.

27.21 Sec. 31. Minnesota Statutes 2014, section 260C.212, subdivision 2, is amended to read:

27.22 Subd. 2. **Placement decisions based on best interests of the child.** (a) The
27.23 policy of the state of Minnesota is to ensure that the child's best interests are met by
27.24 requiring an individualized determination of the needs of the child and of how the selected
27.25 placement will serve the needs of the child being placed. The authorized child-placing
27.26 agency shall place a child, released by court order or by voluntary release by the parent
27.27 or parents, in a family foster home selected by considering placement with relatives and
27.28 important friends in the following order:

27.29 (1) with an individual who is related to the child by blood, marriage, or adoption; or

27.30 (2) with an individual who is an important friend with whom the child has resided or
27.31 had significant contact.

27.32 For an Indian child, the agency shall follow the order of placement preferences in the
27.33 Indian Child Welfare Act of 1978, United States Code, title 25, section 1915.

27.34 (b) Among the factors the agency shall consider in determining the needs of the
27.35 child are the following:

28.1 (1) the child's current functioning and behaviors;
28.2 (2) the medical needs of the child;
28.3 (3) the educational needs of the child;
28.4 (4) the developmental needs of the child;
28.5 (5) the child's history and past experience;
28.6 (6) the child's religious and cultural needs;
28.7 (7) the child's connection with a community, school, and faith community;
28.8 (8) the child's interests and talents;
28.9 (9) the child's relationship to current caretakers, parents, siblings, and relatives; ~~and~~
28.10 (10) the reasonable preference of the child, if the court, or the child-placing agency
28.11 in the case of a voluntary placement, deems the child to be of sufficient age to express
28.12 preferences; and

28.13 (11) for an Indian child, the best interests of an Indian child as defined in section
28.14 260.755, subdivision 2a.

28.15 (c) Placement of a child cannot be delayed or denied based on race, color, or national
28.16 origin of the foster parent or the child.

28.17 (d) Siblings should be placed together for foster care and adoption at the earliest
28.18 possible time unless it is documented that a joint placement would be contrary to the
28.19 safety or well-being of any of the siblings or unless it is not possible after reasonable
28.20 efforts by the responsible social services agency. In cases where siblings cannot be placed
28.21 together, the agency is required to provide frequent visitation or other ongoing interaction
28.22 between siblings unless the agency documents that the interaction would be contrary to
28.23 the safety or well-being of any of the siblings.

28.24 (e) Except for emergency placement as provided for in section 245A.035, the
28.25 following requirements must be satisfied before the approval of a foster or adoptive
28.26 placement in a related or unrelated home: (1) a completed background study under section
28.27 245C.08; and (2) a completed review of the written home study required under section
28.28 260C.215, subdivision 4, clause (5), or 260C.611, to assess the capacity of the prospective
28.29 foster or adoptive parent to ensure the placement will meet the needs of the individual child.

28.30 Sec. 32. Minnesota Statutes 2014, section 260C.511, is amended to read:

28.31 **260C.511 BEST INTERESTS OF THE CHILD.**

28.32 (a) The "best interests of the child" means all relevant factors to be considered and
28.33 evaluated. In the case of an Indian child, best interests of the child includes best interests
28.34 of an Indian child as defined in section 260.755, subdivision 2a.

29.1 (b) In making a permanency disposition order or termination of parental rights,
29.2 the court must be governed by the best interests of the child, including a review of the
29.3 relationship between the child and relatives and the child and other important persons with
29.4 whom the child has resided or had significant contact.

29.5 Sec. 33. Minnesota Statutes 2014, section 471.346, is amended to read:

29.6 **471.346 PUBLICLY OWNED AND LEASED VEHICLES IDENTIFIED.**

29.7 All motor vehicles owned or leased by a statutory or home rule charter city, county,
29.8 town, school district, metropolitan or regional agency, or other political subdivision,
29.9 except for unmarked vehicles used in general police and fire work, arson investigations,
29.10 ~~and~~ Department of Human Services investigations including conducted by central office
29.11 staff, and county fraud prevention investigations conducted by county or contract fraud
29.12 prevention investigators, shall have the name of the political subdivision plainly displayed
29.13 on both sides of the vehicle in letters not less than 2-1/2 inches high and one-half inch wide.
29.14 The identification must be in a color that contrasts with the color of the part of the vehicle
29.15 on which it is placed and must remain on and be clean and visible throughout the period of
29.16 which the vehicle is owned or leased by the political subdivision. The identification must
29.17 not be on a removable plate or placard except on leased vehicles but the plate or placard
29.18 must not be removed from a leased vehicle at any time during the term of the lease.

29.19 Sec. 34. **[609.816] WRONGFUL EMPLOYMENT AT A CHILD CARE CENTER.**

29.20 A person is guilty of a crime and may be sentenced as provided in section 609.52,
29.21 subdivision 3, clauses (1) to (5), if the person:

29.22 (1) is a child care center owner, director, manager, license holder, or other controlling
29.23 individual or agent of a child care center;

29.24 (2) engages in the recruitment or screening of potential employees or applicants or
29.25 instructs other persons engaged in the recruitment or screening of potential employees
29.26 or applicants; and

29.27 (3) requires, as a condition of obtaining or continuing employment at the child care
29.28 center in order to obtain child care assistance funds, that the applicant, potential employee,
29.29 or employee has one or more children who are eligible for or receive child care assistance.

29.30 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
29.31 committed on or after that date.

29.32 Sec. 35. Minnesota Statutes 2014, section 609.821, is amended to read:

30.1 **609.821 FINANCIAL TRANSACTION CARD FRAUD.**

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

30.4 (a) "Financial transaction card" means any instrument or device, whether known as
30.5 a credit card, credit plate, charge plate, courtesy card, bank services card, banking card,
30.6 check guarantee card, debit card, electronic benefit system (EBS) card, electronic benefit
30.7 transfer (EBT) card, assistance transaction card, or by any other name, issued with or
30.8 without fee by an issuer for the use of the cardholder in obtaining credit, money, goods,
30.9 services, public assistance benefits, or anything else of value, and includes the account or
30.10 identification number or symbol of a financial transaction card.

30.11 (b) "Cardholder" means a person in whose name a card is issued.

30.12 (c) "Issuer" means a person, firm, or governmental agency, or a duly authorized
30.13 agent or designee, that issues a financial transaction card.

30.14 (d) "Property" includes money, goods, services, public assistance benefit, or
30.15 anything else of value.

30.16 (e) "Public assistance benefit" means any money, goods or services, or anything else
30.17 of value, issued under chapters 256, 256B, 256D, or section 393.07, subdivision 10.

30.18 (f) "Trafficking of SNAP benefits" means:

30.19 (1) the buying, selling, stealing, or otherwise effecting an exchange of Supplemental
30.20 Nutrition Assistance Program (SNAP) benefits issued and accessed via an electronic
30.21 benefit transfer (EBT) card, card number and personal identification number (PIN), or
30.22 manual voucher and signature, for cash or consideration other than eligible food, either
30.23 directly, indirectly, in complicity or collusion with others, or acting alone;

30.24 (2) the exchange of one of the following for SNAP benefits: firearms, ammunition,
30.25 explosives, or controlled substances as defined in United States Code, title 21, section 802;

30.26 (3) purchasing a product with SNAP benefits that has a container requiring a return
30.27 deposit with the intent of obtaining cash by discarding the product and returning the
30.28 container for the deposit amount, intentionally discarding the product, and intentionally
30.29 returning the container for the deposit amount;

30.30 (4) purchasing a product with SNAP benefits with the intent of obtaining cash or
30.31 consideration other than eligible food by reselling the product, and intentionally reselling
30.32 the product purchased with SNAP benefits in exchange for cash or consideration other
30.33 than eligible food;

30.34 (5) intentionally purchasing products originally purchased with SNAP benefits in
30.35 exchange for cash or consideration other than eligible food; or

31.1 (6) attempting to buy, sell, steal, or otherwise effect an exchange of SNAP benefits
 31.2 issued and accessed via an EBT card, card number and PIN number, or manual voucher
 31.3 and signature, for cash or consideration other than eligible food, either directly, indirectly,
 31.4 in complicity or collusion with others, or acting alone.

31.5 Subd. 2. **Violations; penalties.** A person who does any of the following commits
 31.6 financial transaction card fraud:

31.7 (1) without the consent of the cardholder, and knowing that the cardholder has not
 31.8 given consent, uses or attempts to use a card to obtain the property of another, or a public
 31.9 assistance benefit issued for the use of another;

31.10 (2) uses or attempts to use a card knowing it to be forged, false, fictitious, or obtained
 31.11 in violation of clause (6);

31.12 (3) sells or transfers a card knowing that the cardholder and issuer have not
 31.13 authorized the person to whom the card is sold or transferred to use the card, or that the
 31.14 card is forged, false, fictitious, or was obtained in violation of clause (6);

31.15 (4) without a legitimate business purpose, and without the consent of the cardholders,
 31.16 receives or possesses, with intent to use, or with intent to sell or transfer in violation of
 31.17 clause (3), two or more cards issued in the name of another, or two or more cards knowing
 31.18 the cards to be forged, false, fictitious, or obtained in violation of clause (6);

31.19 (5) being authorized by an issuer to furnish money, goods, services, or anything else
 31.20 of value, knowingly and with an intent to defraud the issuer or the cardholder:

31.21 (i) furnishes money, goods, services, or anything else of value upon presentation of a
 31.22 financial transaction card knowing it to be forged, expired, or revoked, or knowing that it
 31.23 is presented by a person without authority to use the card; or

31.24 (ii) represents in writing to the issuer that the person has furnished money, goods,
 31.25 services, or anything else of value which has not in fact been furnished;

31.26 (6) upon applying for a financial transaction card to an issuer, or for a public
 31.27 assistance benefit which is distributed by means of a financial transaction card:

31.28 (i) knowingly gives a false name or occupation;

31.29 (ii) knowingly and substantially overvalues assets or substantially undervalues
 31.30 indebtedness for the purpose of inducing the issuer to issue a financial transaction card; or

31.31 (iii) knowingly makes a false statement or representation for the purpose of inducing
 31.32 an issuer to issue a financial transaction card used to obtain a public assistance benefit;

31.33 (7) with intent to defraud, falsely notifies the issuer or any other person of a theft,
 31.34 loss, disappearance, or nonreceipt of a financial transaction card; or

32.1 (8) without the consent of the cardholder and knowing that the cardholder has not
32.2 given consent, falsely alters, makes, or signs any written document pertaining to a card
32.3 transaction to obtain or attempt to obtain the property of another; or

32.4 (9) engages in trafficking of SNAP benefits.

32.5 Subd. 3. **Sentence.** (a) A person who commits financial transaction card fraud may
32.6 be sentenced as follows:

32.7 (1) for a violation of subdivision 2, clause (1), (2), (5), ~~or (8)~~, or (9):

32.8 (i) to imprisonment for not more than 20 years or to payment of a fine of not more
32.9 than \$100,000, or both, if the value of the property the person obtained or attempted to
32.10 obtain was more than \$35,000, or the aggregate amount of the transactions under this
32.11 subdivision was more than \$35,000; or

32.12 (ii) to imprisonment for not more than ten years or to payment of a fine of not more
32.13 than \$20,000, or both, if the value of the property the person obtained or attempted to
32.14 obtain was more than \$2,500, or the aggregate amount of the transactions under this
32.15 subdivision was more than \$2,500; or

32.16 (iii) to imprisonment for not more than five years or to payment of a fine of not
32.17 more than \$10,000, or both, if the value of the property the person obtained or attempted
32.18 to obtain was more than \$250 but not more than \$2,500, or the aggregate amount of the
32.19 transactions under this subdivision was more than \$250 but not more than \$2,500; or

32.20 (iv) to imprisonment for not more than five years or to payment of a fine of not
32.21 more than \$10,000, or both, if the value of the property the person obtained or attempted
32.22 to obtain was not more than \$250, or the aggregate amount of the transactions under
32.23 this subdivision was not more than \$250, and the person has previously been convicted
32.24 within the preceding five years for an offense under this section, section 609.24; 609.245;
32.25 609.52; 609.53; 609.582, subdivision 1, 2, or 3; 609.625; 609.63; or 609.631, or a statute
32.26 from another state in conformity with any of those sections, and the person received a
32.27 felony or gross misdemeanor sentence for the offense, or a sentence that was stayed under
32.28 section 609.135 if the offense to which a plea was entered would allow imposition of a
32.29 felony or gross misdemeanor sentence; or

32.30 (v) to imprisonment for not more than one year or to payment of a fine of not more
32.31 than \$3,000, or both, if the value of the property the person obtained or attempted to
32.32 obtain was not more than \$250, or the aggregate amount of the transactions under this
32.33 subdivision was not more than \$250;

32.34 (2) for a violation of subdivision 2, clause (3) or (4), to imprisonment for not more
32.35 than three years or to payment of a fine of not more than \$5,000, or both; or

32.36 (3) for a violation of subdivision 2, clause (6) or (7):

33.1 (i) if no property, other than a financial transaction card, has been obtained by the
 33.2 defendant by means of the false statement or false report, to imprisonment for not more
 33.3 than one year or to payment of a fine of not more than \$3,000, or both; or

33.4 (ii) if property, other than a financial transaction card, is so obtained, in the manner
 33.5 provided in clause (1).

33.6 (b) In any prosecution under paragraph (a), clause (1), the value of the transactions
 33.7 made or attempted within any six-month period may be aggregated and the defendant
 33.8 charged accordingly in applying the provisions of this section. When two or more offenses
 33.9 are committed by the same person in two or more counties, the accused may be prosecuted
 33.10 in any county in which one of the card transactions occurred for all of the transactions
 33.11 aggregated under this paragraph.

33.12 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
 33.13 committed on or after that date.

33.14 Sec. 36. Minnesota Statutes 2014, section 626.556, subdivision 10, is amended to read:

33.15 Subd. 10. **Duties of local welfare agency and local law enforcement agency upon**
 33.16 **receipt of report.** (a) Upon receipt of a report, the local welfare agency shall determine
 33.17 whether to conduct a family assessment or an investigation as appropriate to prevent or
 33.18 provide a remedy for child maltreatment. The local welfare agency:

33.19 (1) shall conduct an investigation on reports involving substantial child
 33.20 endangerment;

33.21 (2) shall begin an immediate investigation if, at any time when it is using a family
 33.22 assessment response, it determines that there is reason to believe that substantial child
 33.23 endangerment or a serious threat to the child's safety exists;

33.24 (3) may conduct a family assessment for reports that do not allege substantial child
 33.25 endangerment. In determining that a family assessment is appropriate, the local welfare
 33.26 agency may consider issues of child safety, parental cooperation, and the need for an
 33.27 immediate response; ~~and~~

33.28 (4) may conduct a family assessment on a report that was initially screened and
 33.29 assigned for an investigation. In determining that a complete investigation is not required,
 33.30 the local welfare agency must document the reason for terminating the investigation and
 33.31 notify the local law enforcement agency if the local law enforcement agency is conducting
 33.32 a joint investigation; and

33.33 (5) shall provide immediate notice, according to section 260.761, subdivision 2, to
 33.34 an Indian child's tribe when the agency has reason to believe the family assessment or

34.1 investigation may involve an Indian child. For purposes of this clause, "immediate notice"
34.2 means notice provided within 24 hours.

34.3 If the report alleges neglect, physical abuse, or sexual abuse by a parent, guardian,
34.4 or individual functioning within the family unit as a person responsible for the child's
34.5 care, or sexual abuse by a person with a significant relationship to the child when that
34.6 person resides in the child's household or by a sibling, the local welfare agency shall
34.7 immediately conduct a family assessment or investigation as identified in clauses (1) to
34.8 (4). In conducting a family assessment or investigation, the local welfare agency shall
34.9 gather information on the existence of substance abuse and domestic violence and offer
34.10 services for purposes of preventing future child maltreatment, safeguarding and enhancing
34.11 the welfare of the abused or neglected minor, and supporting and preserving family
34.12 life whenever possible. If the report alleges a violation of a criminal statute involving
34.13 sexual abuse, physical abuse, or neglect or endangerment, under section 609.378, the
34.14 local law enforcement agency and local welfare agency shall coordinate the planning and
34.15 execution of their respective investigation and assessment efforts to avoid a duplication of
34.16 fact-finding efforts and multiple interviews. Each agency shall prepare a separate report of
34.17 the results of its investigation. In cases of alleged child maltreatment resulting in death,
34.18 the local agency may rely on the fact-finding efforts of a law enforcement investigation
34.19 to make a determination of whether or not maltreatment occurred. When necessary the
34.20 local welfare agency shall seek authority to remove the child from the custody of a parent,
34.21 guardian, or adult with whom the child is living. In performing any of these duties, the
34.22 local welfare agency shall maintain appropriate records.

34.23 If the family assessment or investigation indicates there is a potential for abuse of
34.24 alcohol or other drugs by the parent, guardian, or person responsible for the child's care,
34.25 the local welfare agency shall conduct a chemical use assessment pursuant to Minnesota
34.26 Rules, part 9530.6615.

34.27 (b) When a local agency receives a report or otherwise has information indicating
34.28 that a child who is a client, as defined in section 245.91, has been the subject of physical
34.29 abuse, sexual abuse, or neglect at an agency, facility, or program as defined in section
34.30 245.91, it shall, in addition to its other duties under this section, immediately inform the
34.31 ombudsman established under sections 245.91 to 245.97. The commissioner of education
34.32 shall inform the ombudsman established under sections 245.91 to 245.97 of reports
34.33 regarding a child defined as a client in section 245.91 that maltreatment occurred at a
34.34 school as defined in sections 120A.05, subdivisions 9, 11, and 13, and 124D.10.

34.35 (c) Authority of the local welfare agency responsible for assessing or investigating
34.36 the child abuse or neglect report, the agency responsible for assessing or investigating

35.1 the report, and of the local law enforcement agency for investigating the alleged abuse or
35.2 neglect includes, but is not limited to, authority to interview, without parental consent,
35.3 the alleged victim and any other minors who currently reside with or who have resided
35.4 with the alleged offender. The interview may take place at school or at any facility or
35.5 other place where the alleged victim or other minors might be found or the child may be
35.6 transported to, and the interview conducted at, a place appropriate for the interview of a
35.7 child designated by the local welfare agency or law enforcement agency. The interview
35.8 may take place outside the presence of the alleged offender or parent, legal custodian,
35.9 guardian, or school official. For family assessments, it is the preferred practice to request
35.10 a parent or guardian's permission to interview the child prior to conducting the child
35.11 interview, unless doing so would compromise the safety assessment. Except as provided in
35.12 this paragraph, the parent, legal custodian, or guardian shall be notified by the responsible
35.13 local welfare or law enforcement agency no later than the conclusion of the investigation
35.14 or assessment that this interview has occurred. Notwithstanding rule 32 of the Minnesota
35.15 Rules of Procedure for Juvenile Courts, the juvenile court may, after hearing on an ex parte
35.16 motion by the local welfare agency, order that, where reasonable cause exists, the agency
35.17 withhold notification of this interview from the parent, legal custodian, or guardian. If the
35.18 interview took place or is to take place on school property, the order shall specify that
35.19 school officials may not disclose to the parent, legal custodian, or guardian the contents
35.20 of the notification of intent to interview the child on school property, as provided under
35.21 this paragraph, and any other related information regarding the interview that may be a
35.22 part of the child's school record. A copy of the order shall be sent by the local welfare or
35.23 law enforcement agency to the appropriate school official.

35.24 (d) When the local welfare, local law enforcement agency, or the agency responsible
35.25 for assessing or investigating a report of maltreatment determines that an interview should
35.26 take place on school property, written notification of intent to interview the child on school
35.27 property must be received by school officials prior to the interview. The notification
35.28 shall include the name of the child to be interviewed, the purpose of the interview, and
35.29 a reference to the statutory authority to conduct an interview on school property. For
35.30 interviews conducted by the local welfare agency, the notification shall be signed by the
35.31 chair of the local social services agency or the chair's designee. The notification shall be
35.32 private data on individuals subject to the provisions of this paragraph. School officials
35.33 may not disclose to the parent, legal custodian, or guardian the contents of the notification
35.34 or any other related information regarding the interview until notified in writing by the
35.35 local welfare or law enforcement agency that the investigation or assessment has been
35.36 concluded, unless a school employee or agent is alleged to have maltreated the child.

36.1 Until that time, the local welfare or law enforcement agency or the agency responsible
36.2 for assessing or investigating a report of maltreatment shall be solely responsible for any
36.3 disclosures regarding the nature of the assessment or investigation.

36.4 Except where the alleged offender is believed to be a school official or employee,
36.5 the time and place, and manner of the interview on school premises shall be within the
36.6 discretion of school officials, but the local welfare or law enforcement agency shall have
36.7 the exclusive authority to determine who may attend the interview. The conditions as to
36.8 time, place, and manner of the interview set by the school officials shall be reasonable and
36.9 the interview shall be conducted not more than 24 hours after the receipt of the notification
36.10 unless another time is considered necessary by agreement between the school officials and
36.11 the local welfare or law enforcement agency. Where the school fails to comply with the
36.12 provisions of this paragraph, the juvenile court may order the school to comply. Every
36.13 effort must be made to reduce the disruption of the educational program of the child, other
36.14 students, or school staff when an interview is conducted on school premises.

36.15 (e) Where the alleged offender or a person responsible for the care of the alleged
36.16 victim or other minor prevents access to the victim or other minor by the local welfare
36.17 agency, the juvenile court may order the parents, legal custodian, or guardian to produce
36.18 the alleged victim or other minor for questioning by the local welfare agency or the local
36.19 law enforcement agency outside the presence of the alleged offender or any person
36.20 responsible for the child's care at reasonable places and times as specified by court order.

36.21 (f) Before making an order under paragraph (e), the court shall issue an order to
36.22 show cause, either upon its own motion or upon a verified petition, specifying the basis for
36.23 the requested interviews and fixing the time and place of the hearing. The order to show
36.24 cause shall be served personally and shall be heard in the same manner as provided in
36.25 other cases in the juvenile court. The court shall consider the need for appointment of a
36.26 guardian ad litem to protect the best interests of the child. If appointed, the guardian ad
36.27 litem shall be present at the hearing on the order to show cause.

36.28 (g) The commissioner of human services, the ombudsman for mental health and
36.29 developmental disabilities, the local welfare agencies responsible for investigating reports,
36.30 the commissioner of education, and the local law enforcement agencies have the right to
36.31 enter facilities as defined in subdivision 2 and to inspect and copy the facility's records,
36.32 including medical records, as part of the investigation. Notwithstanding the provisions of
36.33 chapter 13, they also have the right to inform the facility under investigation that they are
36.34 conducting an investigation, to disclose to the facility the names of the individuals under
36.35 investigation for abusing or neglecting a child, and to provide the facility with a copy of
36.36 the report and the investigative findings.

37.1 (h) The local welfare agency responsible for conducting a family assessment or
37.2 investigation shall collect available and relevant information to determine child safety,
37.3 risk of subsequent child maltreatment, and family strengths and needs and share not public
37.4 information with an Indian's tribal social services agency without violating any law of the
37.5 state that may otherwise impose duties of confidentiality on the local welfare agency in
37.6 order to implement the tribal state agreement. The local welfare agency or the agency
37.7 responsible for investigating the report shall collect available and relevant information
37.8 to ascertain whether maltreatment occurred and whether protective services are needed.
37.9 Information collected includes, when relevant, information with regard to the person
37.10 reporting the alleged maltreatment, including the nature of the reporter's relationship to the
37.11 child and to the alleged offender, and the basis of the reporter's knowledge for the report;
37.12 the child allegedly being maltreated; the alleged offender; the child's caretaker; and other
37.13 collateral sources having relevant information related to the alleged maltreatment. The
37.14 local welfare agency or the agency responsible for investigating the report may make a
37.15 determination of no maltreatment early in an investigation, and close the case and retain
37.16 immunity, if the collected information shows no basis for a full investigation.

37.17 Information relevant to the assessment or investigation must be asked for, and
37.18 may include:

37.19 (1) the child's sex and age, prior reports of maltreatment, information relating
37.20 to developmental functioning, credibility of the child's statement, and whether the
37.21 information provided under this clause is consistent with other information collected
37.22 during the course of the assessment or investigation;

37.23 (2) the alleged offender's age, a record check for prior reports of maltreatment, and
37.24 criminal charges and convictions. The local welfare agency or the agency responsible for
37.25 assessing or investigating the report must provide the alleged offender with an opportunity
37.26 to make a statement. The alleged offender may submit supporting documentation relevant
37.27 to the assessment or investigation;

37.28 (3) collateral source information regarding the alleged maltreatment and care of the
37.29 child. Collateral information includes, when relevant: (i) a medical examination of the
37.30 child; (ii) prior medical records relating to the alleged maltreatment or the care of the
37.31 child maintained by any facility, clinic, or health care professional and an interview with
37.32 the treating professionals; and (iii) interviews with the child's caretakers, including the
37.33 child's parent, guardian, foster parent, child care provider, teachers, counselors, family
37.34 members, relatives, and other persons who may have knowledge regarding the alleged
37.35 maltreatment and the care of the child; and

38.1 (4) information on the existence of domestic abuse and violence in the home of
38.2 the child, and substance abuse.

38.3 Nothing in this paragraph precludes the local welfare agency, the local law
38.4 enforcement agency, or the agency responsible for assessing or investigating the report
38.5 from collecting other relevant information necessary to conduct the assessment or
38.6 investigation. Notwithstanding sections 13.384 or 144.291 to 144.298, the local welfare
38.7 agency has access to medical data and records for purposes of clause (3). Notwithstanding
38.8 the data's classification in the possession of any other agency, data acquired by the
38.9 local welfare agency or the agency responsible for assessing or investigating the report
38.10 during the course of the assessment or investigation are private data on individuals and
38.11 must be maintained in accordance with subdivision 11. Data of the commissioner of
38.12 education collected or maintained during and for the purpose of an investigation of
38.13 alleged maltreatment in a school are governed by this section, notwithstanding the data's
38.14 classification as educational, licensing, or personnel data under chapter 13.

38.15 In conducting an assessment or investigation involving a school facility as defined
38.16 in subdivision 2, paragraph (i), the commissioner of education shall collect investigative
38.17 reports and data that are relevant to a report of maltreatment and are from local law
38.18 enforcement and the school facility.

38.19 (i) Upon receipt of a report, the local welfare agency shall conduct a face-to-face
38.20 contact with the child reported to be maltreated and with the child's primary caregiver
38.21 sufficient to complete a safety assessment and ensure the immediate safety of the child.
38.22 The face-to-face contact with the child and primary caregiver shall occur immediately
38.23 if substantial child endangerment is alleged and within five calendar days for all other
38.24 reports. If the alleged offender was not already interviewed as the primary caregiver, the
38.25 local welfare agency shall also conduct a face-to-face interview with the alleged offender
38.26 in the early stages of the assessment or investigation. At the initial contact, the local child
38.27 welfare agency or the agency responsible for assessing or investigating the report must
38.28 inform the alleged offender of the complaints or allegations made against the individual in
38.29 a manner consistent with laws protecting the rights of the person who made the report.
38.30 The interview with the alleged offender may be postponed if it would jeopardize an active
38.31 law enforcement investigation.

38.32 (j) When conducting an investigation, the local welfare agency shall use a question
38.33 and answer interviewing format with questioning as nondirective as possible to elicit
38.34 spontaneous responses. For investigations only, the following interviewing methods and
38.35 procedures must be used whenever possible when collecting information:

38.36 (1) audio recordings of all interviews with witnesses and collateral sources; and

39.1 (2) in cases of alleged sexual abuse, audio-video recordings of each interview with
39.2 the alleged victim and child witnesses.

39.3 (k) In conducting an assessment or investigation involving a school facility as
39.4 defined in subdivision 2, paragraph (i), the commissioner of education shall collect
39.5 available and relevant information and use the procedures in paragraphs (i), (k), and
39.6 subdivision 3d, except that the requirement for face-to-face observation of the child
39.7 and face-to-face interview of the alleged offender is to occur in the initial stages of the
39.8 assessment or investigation provided that the commissioner may also base the assessment
39.9 or investigation on investigative reports and data received from the school facility and
39.10 local law enforcement, to the extent those investigations satisfy the requirements of
39.11 paragraphs (i) and (k), and subdivision 3d.

39.12 Sec. 37. **OBSOLETE RULES REGARDING PRIOR AUTHORIZATIONS FOR**
39.13 **MEDICAL SUPPLIES AND EQUIPMENT.**

39.14 (a) The commissioner of human services shall amend Minnesota Rules, part
39.15 9505.0310, subpart 3, to remove the following medical supplies and equipment from the
39.16 list for which prior authorization is required as a condition of medical assistance payment:
39.17 a nondurable medical supply that costs more than the performance agreement limit;
39.18 and durable medical equipment, prostheses, and orthoses if the cost of their purchase,
39.19 projected cumulative rental for the period of the recipient's expected use, or repairs
39.20 exceeds the performance agreement limit.

39.21 (b) The commissioner of human services shall amend Minnesota Rules, part
39.22 9505.0365, subpart 3, to remove the requirement that prior authorization for an ambulatory
39.23 aid is required for an aid that costs in excess of the limits specified in the provider's
39.24 performance agreement.

39.25 (c) The commissioner may use the good cause exemption in Minnesota Statutes,
39.26 section 14.388, subdivision 1, clause (3), to adopt rules under this section. Minnesota
39.27 Statutes, section 14.386, does not apply except as provided in Minnesota Statutes, section
39.28 14.388."

39.29 Amend the title accordingly