

Subject Department of Human Services Children and Family Services Policy Bill

Authors Hanson, J.

Analyst Annie Mach
Sarah Sunderman

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Overview

This bill is the Department of Human Services (DHS) policy bill covering children and family services. It modifies provisions related to child care assistance, child welfare, economic assistance, and adoption records.

Article 1: Child Care

This article makes technical and policy changes to the child care assistance program and delays the effective date for automatic one-star ratings under Parent Aware for all licensed child care programs to January 1, 2026.

| Section | Description - Article 1: Child Care |
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| 1 | Fair hearing allowed for providers. Amends § 119B.16, subd. 1a. Allows a child care provider who accepts child care assistance to request a fair hearing if DHS or a county agency ends a provider's rate differential for being accredited or for having a three- or four-star rating under Parent Aware. Makes technical corrections. Makes the section effective August 1, 2024. |
| 2 | Notice to providers. Amends § 119B.16, subd. 1c. Changes timing requirements for the notices that must be sent to child care providers before a county agency or DHS takes specified actions. Provides that a notice must include the right to appeal if a county issues a payment and the provider disagrees with the amount of the payment. Requires that a provider's request to appeal a payment amount must be received no later than 30 days after the date a county sends a payment notice to the provider. Makes the section effective August 1, 2024. |

Section Description - Article 1: Child Care

- 3 Notice.**
Amends § 119B.161, subd. 2. Makes technical changes to allow child care providers to receive specified child care assistance notices through the provider and licensing hub. Makes the section effective August 1, 2024.
- 4 System components.**
Amends § 124D.142, subd. 2. Provides that the requirement for all licensed child care programs to receive at least a one-star rating under Parent Aware (unless a program opts out) goes into effect on July 1, 2026. Makes the section effective immediately.
- 5 Administrative disqualification of child care providers caring for children receiving child care assistance.**
Amends § 256.046, subd. 3. Provides that when the commissioner initiates an administrative disqualification for a child care provider that accepts child care assistance, the commissioner must send written notice using a signature-verified confirmed delivery method. Makes the section effective August 1, 2024.

Article 2: Child Welfare

This article provides an exemption from the foster care licensing moratorium; modifies Northstar kinship, foster, and adoption assistance provisions; allows youth in foster care between the ages of 18 and 21 to directly receive Northstar payments; and modifies child in need of protection or services case plan, disposition, placement, record reviews, termination of parental rights, transfer of permanent legal and physical custody, and adoptive placement provisions.

Section Description - Article 2: Child Welfare

- 1 Use of data.**
Amends § 243.166, subd. 7. Makes clarifying change to allow disclosure of predatory offender registry information to local welfare agencies for purposes of child maltreatment investigations.
- 2 Licensing moratorium.**
Amends § 245A.03, subd. 7. Exempts child foster residence settings with residential program certifications for compliance with the federal Family First Prevention Services Act from the foster care licensing moratorium. Requires the commissioner to revoke a license if a child foster residence setting that was previously exempted from the moratorium loses its Family First certification. Makes technical changes.

Section Description - Article 2: Child Welfare

- 3 **Assigning a successor relative custodian for a child’s Northstar kinship assistance.**
Amends § 256N.22, subd. 10. Allows for continued payment of Northstar kinship assistance upon the death or incapacity of the relative custodian when a named successor is not able or willing to accept custody or guardianship of the child, and the commissioner gives written consent for a court-appointed guardian or custodian of the child to receive the payments.
- 4 **Caregiver requests for reassessments.**
Amends § 256N.24, subd. 10. Removes adoption assistance expiration language from circumstances governing the timing of requesting or conducting a reassessment.
- 5 **Payments.**
Amends § 256N.26, subd. 15. Adds “youth” to Northstar payment provisions; adds paragraph (e) to allow payments to be made directly to foster youth between 18 and 21 years old placed in an unlicensed supervised independent living setting.
- 6 **Effect of benefit on other aid.**
Amends § 256N.26, subd. 16. Makes conforming change.
- 7 **Overpayments.**
Amends § 256N.26, subd. 18. Makes conforming changes.
- 8 **Correct and true information.**
Amends § 256N.26, subd. 21. Makes conforming changes.
- 9 **Termination notice for caregiver or youth.**
Amends § 256N.26, subd. 22. Makes conforming changes.
- 10 **Case plan.**
Amends § 260C.178, subd. 7. Specifies that a child protective services plan must be filed with the court within 30 days of the juvenile protection petition, when a court has ordered a child into the care of a parent. Clarifies when an out-of-home placement plan is required. Makes conforming changes.
- 11 **Dispositions.**
Amends § 260C.201, subd. 1. Removes child in need of protection or services case disposition allowing a child aged 16 or older to live independently under specified circumstances.

Section Description - Article 2: Child Welfare

12 Court review of disposition.

Amends § 260C.202. Adds subdivision 1, addressing court review for when a court orders a child into the home under a parent under protective supervision. Makes technical and conforming changes.

13 Subjects.

Amends § 260C.209, subd. 1. Makes technical changes to section governing responsible social services agency access to criminal and maltreatment history of listed individuals. Allows access to such records when a petition to transfer permanent physical and legal custody has been filed, but the relative is not pursuing Northstar kinship assistance eligibility.

14 Placement decisions based on best interests of the child.

Amends § 260C.212, subd. 2. Removes exception for emergency placement; separates requirements for approval of foster placements and adoptive placements. Prohibits placement of a child in an unlicensed emergency relative placement or licensed family foster home when the responsible social services agency is aware that the prospective caregiver or license holder has a permanent background study disqualification.

15 Voluntary and involuntary.

Amends § 260C.301, subd. 1. Removes nonpayment of support without good cause from the list of conditions for which parental rights may be terminated.

16 Transfer of permanent legal and physical custody.

Amends § 260C.515, subd. 4. Makes technical and clarifying changes. Adds order for transfer of permanent legal and physical custody to a parent. Clarifies that the court's review must include a summary of background study information, and requires the court to issue written findings regarding the prospective legal and physical custodian's understanding of the terms of the transfer, including Northstar assistance eligibility. Requires additional content in petitions for transfer of permanent legal and physical custody.

17 Review hearings.

Amends § 260C.607, subd. 1. Makes clarifying changes.

18 Motion and hearing to order adoptive placement.

Amends § 260C.607, subd. 6. Clarifies that a court must not finalize an adoption while an appeal is pending.

Section Description - Article 2: Child Welfare

- 19 **Adoption study required.**
Amends § 260C.611. Allows the commissioner to determine if it's in the child's best interests for a caregiver's child foster care home study to meet the requirements of an approved adoption home study.
- 20 **Adoptive placement decisions.**
Amends § 260C.613, subd. 1. Makes clarifying changes; adds paragraph (d), requiring the responsible social services agency to immediately notify the commissioner if the agency learns of any new or previously undisclosed criminal or maltreatment information related to an adoptive placement for a child under the guardianship of the commissioner.
- 21 **Duties.**
Amends § 260C.615, subd. 1. Adds duty of the commissioner to review new or previously undisclosed information that may impact the health, safety, or well-being of a child under a fully executed adoption placement agreement.
- 22 **Threatened injury.**
Amends § 260E.03, subd. 23. Makes clarifying change to add "parent" to transfer of permanent legal and physical custody.

Article 3: Economic Assistance

This article modifies provisions related to the Supplemental Nutrition Assistance Program (SNAP), to align state statutes with federal law. It also makes a change to the Minnesota Family Investment Program (MFIP) family violence waiver, and modifies the treatment of rental income for purposes of economic assistance eligibility.

Section Description - Article 3: Economic Assistance

- 1 **Income.**
Amends § 119B.0911, subd. 15. Adds cross-reference to income under rules governing income eligibility for child care assistance.
- 2 **Family violence.**
Amends § 256J.08, subd. 34a. Modifies definition of "family violence" in chapter governing MFIP to remove "imminent" from infliction of fear of physical harm, bodily injury, or assault.

Section Description - Article 3: Economic Assistance

- 3 Expedited issuance of the Supplemental Nutrition Assistance Program.**
Amends § 256J.28, subd. 1. Removes list of households entitled to expedited issuance of SNAP benefits assistance, to align with federal law.
- 4 Rental income.**
Amends § 256P.05 by adding subd. 4. Specifies that rental income is subject to the self-employment earnings requirements for economic assistance program eligibility.
- 5 Income inclusions.**
Amends § 256P.06, subd. 3. Removes proceeds from rent from list of unearned income.
- 6 Expedited issuance of SNAP benefits.**
Amends § 393.07, subd. 10a. Removes county SNAP benefits offices and local SNAP agency applicant screening and notice posting requirements, to align with federal law.

Article 4: Adoption Records

This article modifies and clarifies statutes related to birth record release, birth parent contact and disclosures of birth and adoption records, agency requirements to release birth and adoption records, and information on siblings of adopted persons.

Section Description - Article 4: Adoption Records

- 1 Release of original birth record.**
Amends § 144.2252, subd. 2. Gives the state registrar authority to request assistance from the commissioner of human services if needed to discharge duties related to adoption birth records. Makes this section effective July 1, 2024.
- 2 Birth parent contact preference form.**
Amends § 144.2253. Gives the commissioner of health the authority to request assistance from the commissioner of human services if needed to discharge duties related to adoption birth records. Makes this section effective August 1, 2023.
- 3 Disclosure to birth parents and adoptive parents.**
Amends § 259.37, subd. 2. Requires an adoption disclosure to include a statement regarding the right of an adopted person to request and obtain a copy of the person's original birth record, pursuant to section 144.2253, and the right of the birth

Section Description - Article 4: Adoption Records

parent to file a contact preference form with the state registrar. Makes this section effective July 1, 2024.

4 Content.

Amends § 259.79, subd. 1. Allows for disclosure of adoption records maintained by the commissioner of human services, upon request from the commissioner of health or state registrar pursuant to state statute.

5 Services provided.

Amends § 259.83, subd. 1. Adds adult siblings of adopted persons to request for current information provision. Specifies that an information search request must be completed within six months of the request, and that the agency must provide status updates and estimates to the requestor if the search cannot be completed within six months. Clarifies that an agency must provide required information to birth parents when making or supervising an adoptive placement.

6 Siblings.

Amends § 259.83, subd. 1b. Removes “genetic” limitation on requirement to advise a person aged 18 or over who was adopted or committed to the guardianship of the commissioner of other siblings who were adopted or committed to the guardianship of the commissioner. Makes additional clarifying changes.

7 Birth parent identifying information.

Amends § 259.83, subd. 3a. Specifies that requirement to provide requested identifying information on birth parents only applies to the extent the information is available.

8 Confidentiality.

Amends § 259.83, subd. 4. Lowers age from 19 to 18 years and over for requirement to provide reasonable assistance, consistent with legal requirements related to the confidentiality and privacy of child welfare and adoption records.



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