

# Bill Summary Comparison of Health and Human Services

Senate File UEH2749-1  
Article 21: Children and  
Families

House File 3467-3  
Article 6: Children and Families

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May 5, 2016

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<p><b>Section 1 (119B.13, subd. 1)</b> increases the child care provider rate. Beginning January 2, 2017, the rate for child care assistance is the rate in effect February 3, 2014, increased by 7 percent.</p>	<p>Different. The Senate increases maximum provider reimbursement rates by seven percent beginning January 2, 2017. The House modifies maximum provider reimbursement rates for providers located in cities that are located inside two or more counties, setting the maximum rate at the rate paid in the county with the highest maximum reimbursement rates.</p>	<p><b>Section 1. Subsidy restrictions.</b> Amends § 119B.13, subd. 1. Modifies child care assistance program maximum rates by setting the maximum rate for child care providers who are located within the boundaries of a city located in two or more counties at the maximum rate paid in the county with the highest maximum reimbursement rates or the provider’s charge, whichever is less.</p> <p><b>Effective date.</b> Provides an effective date of September 11, 2017.</p>
<p><b>Section 2 (145.4716, subd. 2)</b> makes a technical modification to the safe harbor statute by adding a cross-reference to Minnesota Statutes, section 609.3241.</p>	<p>Identical.</p>	<p><b>Art. 4, sec. 14. Duties of director.</b> Amends § 145.4716, subd. 2. Directs the director of child sex trafficking prevention at the Minnesota Department of Health to manage the program in section 609.3241 that distributes funds to crime victims services organizations to serve sexually exploited youth. (Under current law this grant program is managed by the commissioner of public safety.)</p>
<p><b>Section 3 (145.4716, subd. 3)</b> expands eligibility for the safe harbor services and housing to youth 24 years of age or younger, consistent with the Homeless Youth Act under chapter 256K and related federal law.</p>	<p>Identical.</p>	<p><b>Art. 4, sec. 15. Youth eligible for services.</b> Amends § 145.4716, by adding subd. 3. Specifies that youth age 24 and younger are eligible for safe harbor services provided by the commissioner of health and for shelter, housing beds, and services provided by the commissioner of human services for sexually exploited youth and youth at risk of sexual exploitation. (Currently these services are provided to youth age 18 and younger.)</p>
	<p>House only section.</p>	<p><b>Sec. 2. Electronic application; information.</b> Creates § 245A.043. Paragraph (a) instructs the commissioner to study the cost for development of a Web site for use by child care providers and prospective providers that would provide a single point of access for statutes and rules relevant to child care; a guide how to start a child care business; and</p>

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		<p>completing and submitting electronic applications, child care assistance program registration, application for rating under the quality rating and improvement system, among other things.</p> <p>Paragraph (b) instructs the commissioner to submit the feasibility study to the legislature by September 30, 2016.</p> <p>Provides an immediate effective date.</p>
	House only section.	<p><b>Sec. 3. Notification to provider.</b> Creates § 245A.055.</p> <p>Paragraph (a) requires a county licensor who has conducted a licensing inspection to provide the licensee with written notification of potential licensing violations noted during the visit. The notification must be provided prior to the licensor's departure from the home.</p> <p>Paragraph (b) clarifies that by issuing the required notification to the licensee, the licensor is not relieved from notifying the commissioner of the violation as required by statute or rule.</p>
<p>Sections 4 to 15 (245A.10, subd. 2, 245C.03, subd. 6a, 245C.04, subd. 1, 245C.05, subd. 2b, 245C.05, subd. 4, 245C.05, subd. 7, 245C.08, subd. 1, 245C.08, subd. 2, 245C.08, subd. 4, 245C.11, subd. 3, 245C.17, subd. 6, 245C.23, subd. 2) amend the Department of Human Services (DHS) Licensing Act and DHS Background Study Act, by transferring the responsibility to perform background studies on family child care and legal nonlicensed child care providers from the county to DHS.</p>	Senate only sections.	

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	House only section.	<p><b>Sec. 4. Positive support strategies.</b> Creates § 245A.23. Paragraph (a) requires the commissioner to review and evaluate the applicability of the positive support strategies and restrictive intervention rules to child care providers. Lists items the commissioner must consider. Requires the commissioner to complete this review and evaluation process no later than December 31, 2016, and to submit a written plan to modify application of rules for child care programs to the legislature by January 15, 2017.</p> <p>Paragraph (b) exempts child care providers from certain rules until the commissioner has completed the review and evaluation process and submitted a written plan to the legislature.</p> <p>Provides and immediate effective date.</p>
	House only section.	<p><b>Sec. 5. Training for county licensing staff on family child care and group family child care requirements; supervision.</b> Creates § 245A.55. Paragraph (a) establishes an eight-hour preservice training requirement for county licensors.</p> <p>Paragraph (b) requires the commissioner to increase training and oversight of county licensors. Requires the commissioner to conduct at least biennial reviews of county performance.</p> <p>Paragraph (c) instructs the commissioner to provide notices annually to county licensors and their supervisors on new laws relating to family child care and group family child care that were enacted during the previous 12 months.</p>

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<p><b>Article 6, section 27 [Food Stamp Employment and Training]</b> makes participation in employment and training services optional, rather than mandatory, which is a federal option for all states. Eligible participants are allowed three months of SNAP benefits in three years, unless they are meeting federal work participation standards.</p>	<p>See Senate article 6, section 27 (Equity). Subds. 1, 1a, 2, 2a, 3, 3a, 3b, 6c, 7, 8, 9, and 18 are Senate only.</p> <p>Subd. 6b is similar. The Senate limits the amount of administrative costs to 10 percent of the funds and the House does not. The Senate specifies federal financial participation must be paid at a rate to be determined by DHS and DEED and the House does not. Other technical and stylistic differences.</p>	<p><b>Sec. 6. Federal reimbursement.</b> Amends § 256D.051, subd. 6b. Adds language to the Food Stamp Employment and Training Program statute specifying how the federal appropriation for the program must be used. Requires the commissioner to report, by February 15, 2017, to the legislative committees with jurisdiction over the food stamp program on the progress of securing additional federal reimbursement funds. Allows service providers to be paid with federal funds for Food Stamp employment and training costs they incur.</p>
<p><b>Section 16 (256M.41, subd. 3)</b> amends the child protection payment formula to counties to retain the existing formula. This section also changes the month the commissioner makes threshold determinations and the month that payments are sent to counties.</p>	<p>Senate only section.</p>	
<p><b>Section 17 (256N.26, subd. 3)</b> increases the basic monthly rate for Northstar Care for Children by 15 percent.</p>	<p>Senate only section.</p>	
<p><b>Section 18 (256P.06, subd. 3)</b> clarifies that income includes all child support that the assistance unit receives, not just current support.</p>	<p>Senate only section.</p>	
<p><b>Section 19 (260C.125)</b> creates a new section of law establishing the procedure for transferring the responsibility for the placement and care of an Indian child in out-of-home placement from the social services agency to a tribal agency.</p>	<p>Senate only section.</p>	
<p><b>Section 20 (260C.203)</b> strikes language that is consolidated in a new section of law, section 260C.452.</p>	<p>Senate only section.</p>	

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<p><b>Section 21 (260C.212, subd. 1)</b> allows a child 14 years or older to select one member of the case planning team to be designated as the child’s adviser and to advocate for reasonable and prudent parenting standards. For a child 18 years or older, this section requires, when appropriate, that the social services agency involve the child’s parents in the child’s case planning. This section also provides more detail related to educational stability requirements for foster children, clarifies the child’s role in the development of the independent living plan, and requires that the child receives notice of rights.</p>	<p>Senate only section.</p>	
<p><b>Section 22 (260C.212, subd. 14)</b> defines the term “developmentally appropriate,” and modifies the definition of “reasonable and prudent parenting.” This section also requires the commissioner to provide guidance as to what activities a foster parent must consider when applying reasonable and prudent standards.</p>	<p>Senate only section.</p>	
<p><b>Section 23 (260C.215, subd. 4)</b> requires the curriculum for foster parents to include, as necessary, knowledge and skills related to reasonable and prudent parenting standards.</p>	<p>Senate only section.</p>	
<p><b>Section 24 (260C.451, subd. 6)</b> clarifies that a child may reenter foster care prior to 21 years of age.</p>	<p>Senate only section.</p>	
<p><b>Section 25 (260C.451, subd. 9)</b> adds a new subdivision clarifying requirements of administrative or court reviews to ensure the social services agency is making reasonable efforts to finalize the permanency plan for the child.</p>	<p>Senate only section.</p>	

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<p><b>Section 26 (260C.452)</b> creates a new section of law consolidating provisions related to the successful transition to adulthood for children under the guardianship of the commissioner, which includes independent living plan, notification of right to continued access to services, administrative or court review of placements, and notification of termination of foster care.</p>	<p>Senate only section.</p>	
<p><b>Section 27 (260C.521, subd. 1)</b> modifies the purpose of the court review hearing of an order for permanent custody by specifying requirements of the responsible social services agency.</p>	<p>Senate only section.</p>	
<p><b>Section 28 (260D.14)</b> amends the chapter of law related to a child in voluntary foster care for treatment chapter of law, by creating a new section related to the successful transition to adulthood, which includes case planning, notification of continued right to access services, and administrative or court reviews.</p>	<p>Senate only section.</p>	
<p><b>Section 29 (518.175, subd. 5)</b> amends the statute governing modification of parenting time to provide that if a parenting plan or parenting time order cannot be used to determine the number of overnights a child has with each parent, the court must modify the plan or order so that the amount may be determined for purposes of the statute governing the parenting expense adjustment.</p>	<p>Identical.</p>	<p><b>Sec. 7. Modification of parenting plan or order for parenting time.</b> Amends § 518.175, subd. 5. Makes structural changes to the subdivision. Instructs the court to modify an existing parenting plan or court order, if the plan or order cannot be used to determine the number of overnights or overnight equivalents the child has with each parent, so that the number of overnights or overnight equivalents the child has with each parent can be determined.</p> <p>Provides an August 1, 2018, effective date.</p>

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<p><b>Section 30 (518A.26, subd. 14)</b> amends the definition of “obligor” to provide that if a parent has more than 55 percent court-ordered parenting time, there is a rebuttable presumption that the parent has a zero dollar basic support obligation. Factors to be considered overcoming this presumption are specified. It does not eliminate an obligation to pay child support arrears or apply in cases where the public authority is bringing an action for contribution by a parent.</p>	<p>Substantially similar. Senate specifies that a zero dollar support obligation does not eliminate an obligor’s arrears obligation or in cases in which the public authority is bringing a child support or paternity action.</p> <p>Staff recommends Senate.</p>	<p><b>Sec. 8. Obligor.</b> Amends Minnesota Statutes 2015 Supplement, § 518A.26, subd. 14. To the definition of obligor, new language is added to provide that if a parent has more than 55 percent parenting time, there is a rebuttable presumption that the parent will have a zero dollar basic support obligation. Lists the types of evidence that can be produced to overcome the presumption. Adds that a zero support obligation does not relieve a party from paying arrears.</p> <p>Provides an August 1, 2018, effective date.</p>
<p><b>Section 31 (518A.34)</b> modifies the parenting expense adjustment to the basic support obligation, consistent with other amendments in the bill. New provisions are included governing calculations in cases where parents have split custody of joint children. Parallel provisions are included for purposes of the basic support obligation, child care support obligation, and medical support.</p>	<p>Identical except for two technical differences.</p> <p>Staff recommends Senate.</p>	<p><b>Sec. 9. Computation of child support obligations.</b> Amends § 518A.34. Makes technical changes to conform with the changes made to the parenting expense adjustment formula in section 518A.36. Adds a new paragraph to establish the method of determining child support obligations when parents have split custody of joint children.</p> <p>Provides an August 1, 2018, effective date.</p>
<p><b>Section 32 (518A.35, subd. 1)</b> provides that unless a parent has court-ordered parenting time, the parenting expense adjustment formula must not be applied. Special provisions are included in cases where a support order is sought by the public authority.</p>	<p>Senate only section. (This is technical, allows counties to continue to pursue support orders, and is supported by all parties.)</p> <p>Staff recommends Senate.</p>	
<p><b>Section 33 (518A.36)</b> contains the operative language governing changes in the parenting expense adjustment.</p> <p><b>Subdivision 1</b> requires the percentage of time in a calendar year that a child is scheduled to spend with the parent to be calculated based on a two-year average. Language governing</p>	<p>Identical except for formatting differences.</p> <p>Staff recommends House.</p>	<p><b>Sec. 10. Parenting expense adjustment.</b> Amends § 518A.36.</p> <p><b>Subd. 1. General.</b> Adds that parenting time means the percentage of time a child spends with a parent</p>

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<p>the use of overnight equivalents for purposes of calculating the percentage of parenting time is included.</p> <p><b>Subdivision 2</b> contains the new formula for the calculation of the parenting expense adjustment.</p> <p><b>Subdivision 3</b> strikes language applicable in cases where parenting time is equal, which is replaced by new provisions in <b>subdivision 2</b>.</p>		<p>during a calendar year according to a court order and averaged over a two year period.</p> <p><b>Subd. 2. Calculation of parenting expense adjustment.</b> Establishes a new formula for determining the parenting expense adjustment.</p> <p><b>Subd. 3. Calculation of basic support when parenting time is equal.</b> Strikes language made obsolete by the new parenting expense adjustment.</p> <p>Provides an August 1, 2018, effective date.</p>
<p><b>Section 34 (518A.39, subd. 2)</b> amends the law governing modification of maintenance or support orders. Special provisions are included for cases where child support was established by applying a parenting expense adjustment under prior law where there is no parenting plan or order from which overnights may be determined. A formula is included for determining an obligation under previously existing child support guidelines. Changes are made in the modification language applicable when child support guidelines are amended and application of the change would result in a hardship.</p>	<p>Identical except for paragraph (k). When new guidelines are implemented, if a modification of support based on those guidelines would cause a hardship, the modification may be limited. The Senate adds that eligibility for assistance under chapter 256J may be considered a hardship for purposes of this paragraph.</p> <p>Staff recommends Senate. (The Senate language is technical and is supported by all parties.)</p>	<p><b>Sec. 11. Modification.</b> Amends Minnesota Statutes 2015 Supplement, § 518A.39, subd. 2. Adds that if child support was established by applying a parenting expense adjustment under previously existing child support guidelines and there is no parenting plan or order from which overnights or overnight equivalents can be determined, then there is a rebuttable presumption that the established child support obligation will continue after modification unless the modification is based on a change in parenting time.</p> <p>Makes a technical change to reference the amended child support guidelines.</p> <p>Provides an August 1, 2018, effective date.</p>

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	House only section.	<p><b>Sec. 12. Child Support Task Force.</b> Creates § 518A.79. Creates the Child Support Task force to advise the commissioner of human services on matters related to the child support guidelines.</p> <p>Instructs the commissioner to prepare a legislative report on task force activities, issues identified by the task force and recommendations for legislative actions. Requires the first report to be submitted February 15, 2018.</p> <p>Provides that the task force expires June 30, 2019, unless extended by the legislature.</p> <p>Provides an immediate effective date.</p>
<p><b>Section 35 (609.3241)</b> amends chapter 609, which is the criminal code, related to the assessment imposed due to a conviction under 609.322 (Solicitation, Inducement, and Promotion of Prostitution; Sex Trafficking) and 609.324 (Patrons; Prostitutes; Housing Individuals Engaged in Prostitution; Penalties), by changing the assessment formula; the assessment that is currently forwarded to the Commissioner of Public Safety, and deposited in the safe harbor for youth account in the special revenue fund, will instead be forwarded to the Commissioner of Health.</p>	Identical.	<p><b>Art. 4, § 31. Penalty assessment authorized.</b> Amends § 609.3241. Transfers management of the program to distribute funds to crime victims services organizations to serve sexually exploited youth, from the commissioner of public safety to the commissioner of health.</p>
<p><b>Section 36 (626.556, subd. 2)</b> amends the definition of sexual abuse in the Maltreatment of Minors Act. Effective May 29, 2017, the term sexual abuse includes a child who is a victim of sex trafficking.</p>	Senate only section.	

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<b>Section 37 (626.556, subd. 3c) Paragraph (b)</b> requires the Department of Human Services (DHS) to investigate maltreatment in foster homes that are monitored by private agencies, and foster homes monitored by the county, upon agreement by the county and DHS. This section also, in new paragraph (c), requires the Department of Human Services to investigate the death of a child in a foster care program.	Senate only section.	
<b>Section 38 (626.556, subd. 3e)</b> provides that the local welfare agency is responsible for investigating when a child is identified as a victim of sex trafficking, effective May 29, 2017.	Senate only section.	
<b>Section 39 (626.556, subd. 10b)</b> requires the Commissioner of Human Services to investigate every incident involving the death of a child during placement in a licensed child foster care home.	Senate only section.	
<b>Section 40 (626.556, subd. 10f)</b> makes a conforming change, resulting from changes in a previous section shifting the responsibility for maltreatment investigations of private agencies from the county to the commissioner.	Senate only section.	
<b>S.F. No. 2439</b> – third reading, April 26, 2016.	Identical.	<b>Sec. 13. Establishment of team.</b> Amends § 626.558, subd. 1. Adds children’s advocacy centers to the list of community-based agencies that may be included on the task force.
<b>S.F. No. 2439</b> – third reading, April 26, 2016.	Identical.	<b>Sec. 14. Duties of the team.</b> Amends § 626.558, subd. 2. Adds a representative of a children’s advocacy center to the list of agencies that may assist with case consultation.
<b>S.F. No. 2439</b> – third reading, April 26, 2016.	Identical.	<b>Sec. 15. Children’s advocacy center; definition.</b> Adds § 626.558, subd.4. Defines “children’s advocacy center.”

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<p><b>S.F. No. 2428</b> – third reading, May 4, 2016. May 5, 2016, referred to House Chief Clerk for comparison.</p>	<p>Similar, except Senate allows task force to create a working group to examine Northstar Care for Children payments.  (S.F. No. 2428 and H.F. No. 2683 are substantially similar.)</p>	<p><b>Sec. 16. Legislative task force; child protection.</b> Amends Laws 2015, chapter 71, article 1, section 125. Modifies membership of the legislative task force.  Requires the task force to meet at least quarterly and issue an annual report to the legislature and the governor by February 1.  Adds additional duties to the duties of the task force.  Provides that the task force expires December 31, 2020.</p>
	<p>House only section.</p>	<p><b>Sec. 17. Child care provider liaison and advocate.</b> Requires the commissioner of human services to create a full-time position to act as a liaison and advocate for child care providers.  Provides an immediate effective date.</p>
	<p>House only section.</p>	<p><b>Sec. 18. Legislative task force on child care.</b> Creates a task force to evaluate issues related to affordability and accessibility of child care. Requires the task force to issue a report to the legislature and governor by December 31, 2016.  Provides an immediate effective date and a sunset of December 31, 2016.</p>
<p><b>Section 41</b> requires that allowable child protection services be expanded to include child care.</p>	<p>Senate only section.</p>	

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<p><b>Section 42</b> prohibits the Commissioner of Human Services from counting the payment made to families participating in the pilot project related to child development in the first three years of life. This section expires January 1, 2022, and a report is due January 1, 2023.</p>	<p>Substantially similar. Paragraphs (a), (b), and (c) are identical. Paragraphs (d) and (e) have technical differences. Staff recommends the House language.</p>	<p><b>Sec. 19. Direction to commissioner; income and asset exclusion.</b> Prohibits the commissioner of human services from counting payments made to families by a demonstration project as income or assets for purposes of determining eligibility for various human services programs including child care assistance, MFIP, MA, and MinnesotaCare. Defines “income and child development in the first three years of life demonstration project.” Provides that this section will only be implemented if Minnesota is chosen as a site for the federal demonstration project, and provides a January 1, 2022, expiration date. Requires the commissioner to report to the legislature on the outcomes of the demonstration project by January 1, 2023.</p>
<p><b>Section 43</b> requires the commissioner to convene a working group to review the impact of removing licensing responsibilities from private agencies, and report back to the legislative committees having jurisdiction over foster care issues by January 15, 2017.</p>	<p>Senate only section.</p>	
<p><b>Section 44</b> requires the commissioner to conduct a survey and report on existing liability insurance and the availability of coverage for family child care license holders. The report is due January 16, 2017.</p>	<p>Senate only section.</p>	
	<p>House only section.</p>	<p><b>Sec. 20. Revisor’s instruction.</b> Instructs the revisor, in consultation with the commissioner and nonpartisan legislative staff to recodify the Maltreatment of Minors Act. Requires the recodification to be drafted in bill form for introduction in the 2017 session.</p>
	<p>House only section.</p>	<p><b>Sec. 21. Repealer; hands off child care.</b> Repeals Minnesota Statutes, sections 179A.50, 179A.51, 179A.52, and 179A.53 (child care provider unionization).</p>