

# House Research Act Summary

**CHAPTER:** 301

**SESSION:** 2010 Regular Session

**TOPIC:** Children and Family Services Policy and Technical Bill

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## Overview

This act makes policy and technical changes to the MFIP and adult services, child care, and child welfare programs.

## Article 1: MFIP and Adults

### Section

- 1**      **Hearing authority.** Amends § 256.046, subd. 1. Removes an outdated reference to the AFDC program and updates language to include MFIP and other affiliated programs.
- 2**      **Disqualification from program.** Amends § 256.98, subd. 8. Updates language to include programs affiliated with MFIP in the fraud disqualification statutes.
- 3**      **Standard of assistance for basic needs.** Amends § 256D.44, subd. 3. Corrects a reference.
- 4**      **Individuals who must be excluded from an assistance unit.** Amends § 256J.24, subd. 3. Adds individuals who have been disqualified from the work participation cash benefit program until that disqualification ends to the list of individuals who must be excluded from an MFIP assistance unit.
- 5**      **MFIP transitional standard.** Amends § 256J.24, subd. 5. Updates the MFIP transitional standard to reflect the federal food assistance increases that became effective on October 1, 2009. Removes a requirement that the commissioner annually publish in the State Register the transitional standard for an assistance unit sizes 1 to 10 including a breakdown of the cash and food portions.

- 6 Food portion of the MFIP transitional standard.** Amends § 256J.24, subd. 5a. Modifies language requiring the commissioner to adjust the food portion of the MFIP transitional standard to update terminology and require adjustments as needed rather than annually. Modifies language requiring the commissioner to publish the transitional standard in the State Register.
- 7 MFIP exit level.** Amends § 256J.24, subd. 10. Updates terminology related to the federal Supplemental Nutrition Assistance Program and updates language related to the timing of adjustments to the MFIP earned income disregard.
- 8 Rental subsidies; unearned income.** Amends § 256J.37, subd. 3a. Makes technical and conforming changes to make statutes consistent due to changes made in 2009.
- 9 Ill or incapacitated.** Amends § 256J.425, subd. 2. Makes technical and conforming changes to make statutes consistent due to changes made in 2009.
- 10 Accrual of certain exempt months.** Amends § 256J.425, subd. 5. Removes incorrect cross-references. Makes technical changes.
- 11 Employment plan; contents.** Amends § 256J.521, subd. 2. Makes technical and conforming changes to make statutes consistent due to changes made in 2009.
- 12 Child under 12 months of age.** Amends § 256J.561, subd. 3. Clarifies language related to the exemption from employment services for parents of children under 12 months of age.
- 13 Establishing the on-the-job training program.** Amends § 256J.66, subd. 1. Removes an obsolete reference to the Workforce Investment Act of 1998. Makes technical changes.
- 14 Eligibility for diversionary work program.** Amends § 256J.95, subd. 3. Clarifies language related to changes made in 2009. Includes caregivers who are disqualified from the work participation cash benefit program in the list of individuals not eligible for DWP.
- 15 Universal participation required.** Amends § 256J.95, subd. 11. Removes obsolete language.

## **Article 2: Early Childhood Development**

- 1 Child care services grants.** Amends § 119B.189, by adding subd. 5. Defines “child care services grant” for the purposes of the child care services grant program.
- 2 District.** Amends § 119B.189, by adding subd. 6. Defines “district” for the purposes of the child care services grant program.
- 3 Child care resource and referral programs.** Amends § 119B.19, subd. 7. Removes “administer and provide loans for child development education and training” from the list of duties of the child care resource and referral programs. Makes technical changes.
- 4 Child care grants.** Amends § 119B.21. Modifies child care grants to reflect current practice, clarify distinctions between grants for child care centers and family child care homes and between operating grants for child care resource and referral programs and service grants to child care providers, and distinguish a grant for child care loans and

business supports through a nonprofit. Increases the geographical area served by the grant review committees to align with the child care resource and referral districts, maintaining the current level of grant funding. Geographical areas will be reduced from 11 regions to six regions and one statewide tribal region.

## **Article 3: Child Welfare**

### **Overview**

This article clarifies that children, under specified circumstances, can remain in foster care up to age 21. Statutes related to court jurisdiction are amended to allow courts to review cases of children up to age 21 if they remain in foster care. This article also places a limit on the annual increase to foster care rates, permits the commissioner to accept donations from private postsecondary institutions, and removes a reporting requirement.

- 1     **Education program; permitted ages, additional requirement.** Amends § 245A.04, subd. 11, including the headnote. Permits youth over age 18 but under the age of 21, to continue to reside in a DHS licensed child foster care program, if the youth is:
  - attending high school or a program leading to a similar credential;
  - attending a postsecondary or vocational education program;
  - participating in a job readiness program;
  - employed at least 80 hours a month; or
  - incapable of any of the above due to a documented medical condition.
- 2     **Donated funds from private postsecondary institutions.** Amends § 256.01, by adding subd. 30. Provides the commissioner with the authority to accept funds from private postsecondary institutions as the state share for purposes of claiming Title IV-E reimbursement for the child welfare workforce professional education program. Requires that the funds must be transferred to the state and under the state’s control, with no restrictions, and with no possible reversion to the donor.
- 3     **Setting foster care standard rates.** Amends § 256.82. Limits any increase in child foster care maintenance or difficulty of care rates to 3 percent per annum.
- 4     **Duty to ensure placement prevention and family reunification; reasonable efforts.** Amends § 260.012. Corrects a cross-reference.
- 5     **Child.** Amends § 260C.007, subd. 4, by expanding the definition of “child” to include youth under age 21 who are in foster care.
- 6     **Jurisdiction to review foster care to age 21, termination of jurisdiction, jurisdiction to age 18.** Amends § 260C.193, subd. 6. Paragraph (a) permits the court to retain jurisdiction of a foster child up to age 21 for the purpose of conducting required reviews. Prohibits termination of jurisdiction without notice to the child and an opportunity to be heard. Permits the court to terminate jurisdiction if the child leaves foster care before age 21.

Paragraph (b) permits the court to terminate jurisdiction unless a court order is necessary for a child to be in foster care or continued reviews are required by statute, and jurisdiction is no longer needed to protect the child's best interests.

Paragraph (c) makes a technical change.

**7 Court review of foster care.** Amends §2 60C.201, subd. 10. Adds the requirement for annual judicial reviews if a child remains in foster care to age 21, and the court has retained jurisdiction.

**8 Administrative or court review of placements.** Amends § 260C.212, subd. 7. Adds a cross-reference to clarify the social service agency's responsibility to provide notice to a child that the child can remain in foster care to age 21. Specifies that the court is to review a child's independent living plan.

**9 Foster care benefits to age 21.** Amends § 260C.451, including the headnote.

**Subd. 1. Notification of benefits.** Adds a requirement for the local agency to notify any child in foster care, the child's parents or legal guardians, and the child's foster parent of the child's right to receive foster care benefits to age 21. The notification must be made within 6 months prior to the child's 18th birthday.

**Subd. 2. Independent living plan.** Requires the local agency, upon the request of the child, to update the child's independent living plan immediately before the child's 18th birthday. Requires the agency to continue to provide services so that the child can meet the goals in the independent living plan.

**Subd. 3. Eligibility.** Sets requirements for a foster child who wishes to remain in foster care past age 18. The child must be:

- attending high school or a program leading to a similar credential;
- attending a postsecondary or vocational education program;
- participating in a job readiness program;
- employed at least 80 hours a month; or
- incapable of any of the above due to a documented medical condition.

**Subd. 4. Foster care benefits.** Defines foster care benefits for youth between the ages of 18 and 21. Includes supervised independent living settings.

**Subd. 5. Permanent decision.** Provides that the foster care setting and level of supervision will be determined based on the best interest of the child.

**Subd. 6. Individual plan to age 21.** Permits a youth who had been under the guardianship of the commissioner within six months of the youth's 18th birthday, but who left care, to request assistance in developing an independent living plan. Requires the agency to provide foster care and assistance in meeting the goals in the plan. Requires the agency to negotiate a voluntary foster care agreement with the youth.

**Subd. 7. Jurisdiction.** States that although the court retains jurisdiction for

purposes of foster care, for all other purposes the youth is an adult.

- 10** **Duties of local welfare agency and local law enforcement agency upon receipt of report.** Amends § 626.556, subd. 10. Strikes the requirement for a local welfare agency to report the results of a client's chemical use assessment and need for treatment to the state authority on alcohol and drug abuse.
- 11** **Repealer.** Repeals § 256.82, subd. 5 (difficulty of care assessment pilot project) and Minnesota Rules, part 9560.0660 (foster care benefits to age 21).