

HOUSE RESEARCH

Bill Summary

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Overview

Among other things, this bill creates a leadership council to advise the commissioner of human services, allows the use of unmarked cars by tobacco inspectors, allows the commissioner to enter into contracts with tribes and the Indian Health Service to provide services and receive payment for treatment of tribal members who are civilly committed, modifies the Minnesota Indian Family Preservation Act, and creates new criminal penalties.

Section

- 1 Vehicles exempt from tax, fees, or plate display.** Amends § 168.012, subd. 1. Allows the commissioner of human services to have unmarked vehicles for the use of inspector staff when performing tobacco inspections, investigations, and surveillance. Establishes requirements for original and renewal applications.
- 2 Emergency placement.** Amends §245A.035, subd. 1. Updates the definition of “relative” by including a cross-reference to the new definition of relative of an Indian child (260C.007, subd. 26b).
- 3 Child foster care license application.** Amends § 245A.035, subd. 5. Updates the term “relative” by including a cross-reference to the new definition of relative of an Indian child (260C.007, subd. 26b).
- 4 Expenses.** Amends § 245C.10, by adding subd. 1a. Provides that the requirements for employer required background studies in section 181.645 do not apply to background studies completed under 245C (human services background studies).

Section

- 5** **Classification of certain data.** Amends § 245C.22, subd. 7. For purposes of classification of data related to disqualifications, updates the definition of “relative” by including a cross-reference to the new definition of relative of an Indian child (260C.007, subd. 26b).
- 6** **Cost of care; commitment by tribal court order; any federally recognized Indian tribe within the state of Minnesota.** Amends § 253B.212, by adding subd. 1b. Allows the commissioner of human services to contract with the Indian Health Service to receive payment for the care and treatment of members of Indian tribes who have been civilly committed by tribal court order to the Indian Health Service. Allows a tribe to contract directly with the commissioner. Requires the tribal court commitment process to include all required due process protections.
- 7** **Effect given to tribal court order.** Amends § 253B.212, by amendment subd. 2. Adds cross references to newly created 253B.212, subd. 1b.
- 8** **Cultural and ethnic communities leadership council.** Creates § 256.041.
- Subd. 1. Establishment; purposes.** Establishes the Cultural and Ethnic Communities Leadership Council to advise the commissioner of human services on methods to reduce racial and ethnic disparities.
- Subd. 2. Members.** Lists the criteria for appointment as a member of the council.
- Subd. 3. Guidelines.** Instructs the commissioner, in consultation with specified legislative members and stakeholders, to develop guidelines for membership on the council and duties of the commissioner and members of the council.
- Subd. 4. Chair.** Requires the commissioner to appoint the council chair.
- Subd. 5. Terms for first appointees.** Provides that the terms for the first appointees expire January 15, 2016.
- Subd. 6. Terms.** Provides that terms are for two years and that appointees may be reappointed to two additional terms. Requires the commissioner to make appointments by January 15 each year.
- Subd. 7. Duties of the commissioner.** Lists the duties of the commissioner.
- Subd. 8. Duties of the council.** Lists the duties of the council.
- Subd. 9. Duties of the council members.** Lists the duties of the council members.
- Subd. 10. Expiration.** Provides that the council expires on June 30, 2020.
- States that this section is effective retroactively from March 15, 2015.
- 9** **Documentation required.** Amends § 256B.0625, by adding subd. 17b. Adds documentation requirements that must be maintained and collected by providers of nonemergency medical transportation.
- 10** **Relative.** Amends § 256N. 02, subd. 18. Defines “relative” by including a cross-reference to section 260C.007, subd. 26b, and updates two cross-references to the Indian Child Welfare Act (ICWA).
- 11** **Exclusions.** Amends § 256N.23, subd. 6. Updates the definition of “relative” by including a cross-reference to the new definition of relative of an Indian child (260C.007, subd. 26b).

Section

- 12** **Definitions.** Amends § 257.85, subd. 3. Updates the definition of “relative,” for purposes of relative custody assistance, by including a cross-reference to the new definition of relative of an Indian child (260C.007, subd. 26b).
- 13** **Relative.** Amends § 259A.01, subd. 25. For purposes of adoption assistance, defines relative of an Indian child as a person who is a member of the Indian child’s family as defined in ICWA.
- 14** **Exclusions.** Amends § 259A.10, subd. 6. Provides that a relative is a person who is a member of the Indian child’s family as defined by ICWA.
- 15** **Purposes.** Creates § 260.753. Provides that the purposes of the Minnesota Indian Family Preservation Act are to protect the interests of Indian children, their families, and the child’s tribe, and to preserve the Indian family and tribal identity.
- 16** **Active efforts.** Amends § 260.755, by adding subdivision 1a. Defines “active efforts.” Active efforts is a term used in ICWA and the Minnesota Indian Family Preservation Act that means more than diligent efforts are required to preserve an Indian child’s family.
- 17** **Best interests of an Indian child.** Amends § 260.755, by adding subdivision 2a. Defines “best interests of an Indian child.”
- 18** **Indian child.** Amends § 260.755, subd. 8. Adds that determination by an Indian tribe that a child is a member of the tribe or eligible for membership in the Indian tribe is conclusive.
- 19** **Parent.** Amends § 260.755, subd. 14. Adds that a parent includes a father as defined by tribal law or custom, and that paternity has been acknowledged when an unmarried father takes any action to hold himself out as the biological father of an Indian child.
- 20** **Inquiry of tribal lineage.** Amends § 260.761, subd. 1. Requires the local social services agency at the time the child comes to the attention of the agency to inquire of the child, the child’s parents and custodians, and any other persons whether the child may have lineage to an Indian tribe.
- 21** **Agency and court notice to tribes.** Amends § 260.761. Paragraph (a) requires the local social services agency to notify an Indian child’s tribe when an investigation or assessment is being conducted. Requires the agency to request participation by the tribe in all aspects of the investigation or assessment.

Paragraph (b) requires the social services agency to provide the tribe with all demographic information about a child believed to be an Indian child who is receiving services so the tribe can determine whether the child is a tribal member or eligible for members. Requires the social service agency to provide notice to the United States secretary of the interior when and Indian child’s custodian and tribe cannot be determined.

Paragraph (c) requires the court administrator to notify the tribal social services agency of dates and times of hearings when an Indian child is placed in emergency protective care.

Paragraph (d) instructs the local social services agency to provide notice the child’s tribe so that the tribe can be involved in the proceedings. Requires the social services agency to fully cooperate with the tribe, including disclosure of all data concerning the Indian child.

Section

- 22** **Duty to prevent out-of-home placement and promote family reunification; active efforts.** Creates § 260.762.
- Subd. 1. Active efforts.** Provides that active efforts include acknowledging traditional helping and healing systems of the child's tribe.
- Subd. 2. Requirements for social services agencies.** Instructs agencies to work with an Indian child's tribe to develop alternatives to out-of-home placement and request participation of the Indian child's tribe, and seek guidance from the Indian child's tribe.
- Subd. 3. Required findings that active efforts were provided.** Requires the court, before ordering out-of-home placement of an Indian child, to make findings that the local social services agency complied with the list of active efforts to prevent removal of the child and preserve the family.
- 23** **Transfer of proceedings.** Amends § 260.771, subd. 3. Adds paragraph (c) establishing the conditions for transferring a proceeding for finalizing a permanency plan to tribal court.
- 24** **Relative.** Amends § 260B.007, subd. 12. States that for an Indian child, relative means a person who is a member of the Indian child's family as defined by ICWA.
- 25** **Relative of an Indian child.** Amends § 260C.007, subd. 26b. Defines relative of an Indian child as a person who is a member of the Indian child's family as defined by ICWA.
- 26** **Relative.** Amends § 260C.007, subd. 27. Strikes language defining relative of an Indian child.
- 27** **Compliance with Indian Child Welfare Act and Minnesota Indian Family Preservation Act.** Amends § 260C.168. Adds that chapter 260C must be construed consistently with both the federal Indian Child Welfare Act and Minnesota Indian Family Preservation Act.
- 28** **Hearing and release requirements.** Amends § 260C.178, subd. 1. Adds a cross-reference to section 260.762, the section on active efforts to preserve an Indian family.
- 29** **Visitation.** Amends § 260C.201, subd. 5. Updates the term relative by including a cross-reference to the new definition of relative of an Indian child (260C.007, subd. 26b).
- 30** **Out-of-home placement; plan.** Amends § 260C.212, subd. 1. Updates the term relative by including a cross-reference to the new definition of relative of an Indian child (260C.007, subd. 26b).
- 31** **Placement decisions based on best interests of the child.** Amends § 260C.212, subd. 2. Requires, for an Indian child, the social services agency to follow the order of placement preferences listed in ICWA. In determining the best interests of an Indian child inserts a cross-reference to section 260.755, subd. 2a.
- 32** **Best interests of the child.** Amends § 260C.511. In determining the best interests of an Indian child inserts a cross-reference to section 260.755, subd. 2a.
- 33** **Publicly owned and leased vehicles identified.** Amends § 471.346. Excludes vehicles used by DHS for investigations conducted by central office staff and county or contract staff conducting county fraud investigations from the requirement for use of marked vehicles.

Section

34 Wrongful employment at a child care center. Creates § 609.816. Makes it a crime for certain persons who engage in the recruitment or screening of potential employees or applicants and require, as a condition of obtaining or continuing employment at a child care center, in order to obtain child care assistance, that the applicant, potential employee, or employee has one or more children who are eligible for or receive child care assistance.

Makes this section effective August 1, 2015, and apply to crimes committed on or after that date.

35 Financial transaction card fraud. Amends § 609.821.

Subd. 1. Definitions. Defines “trafficking of SNAP benefits.”

Subd. 2. Violations; penalties. Includes trafficking of SNAP benefits in the list of actions constituting financial transaction card fraud.

Subd. 3. Sentence. Makes a conforming change.

Makes this section effective August 1, 2015, and apply to crimes committed on or after that date.

36 Duties of local welfare agency and local law enforcement agency upon receipt of report. Amends § 626.556, subd. 10. Requires the local social services agency to provide immediate notice to an Indian child’s tribe when the agency receives a report of child maltreatment involving an Indian child. Immediate notice means notice within 24 hours.

37 Obsolete rules regarding prior authorizations for medical supplies and equipment.

Paragraph (a) instructs the commissioner to remove from Minnesota Rules the prior authorization requirements for certain durable and nondurable medical equipment.

Paragraph (b) instructs the commissioner to remove from Minnesota Rules the prior authorization requirement for certain ambulatory aids.

Paragraph (c) allows the commissioner to use the good cause exemption to adopt rules under this section.