

Subject County aid; out-of-home placement costs under the Indian Child Welfare Act

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Overview

This bill requires state aid payment to reimburse counties for 100 percent of the nonfederal share of costs related to out-of-home placement of children under the Indian Child Welfare Act (ICWA).

Summary

Section	Description
1	<p>Additional reimbursement of county and tribes for certain out-of-home placements. Creates § 477A.0127.</p> <p>Subd. 1. Definition. Defines the term “out-of-home placement” as a county’s placement of an Indian child in 24-hour substitute care under the ICWA, including placement in foster care or a correctional facility pursuant to court order.</p> <p>Subd. 2. Determination of nonfederal share of costs. Paragraph (a) requires counties to report the following information to the commissioners of human services and corrections by January 1, 2020:</p> <p>(1) the amount of the county social services and corrections budgets paid each year for out-of-home placement of Indian children in calendar years 2016, 2017, and 2018; and</p> <p>(2) the number of case days for each year associated with the budget expenditures.</p> <p>Requires the commissioners, by March 15, 2020, to certify to the commissioner of revenue and the legislative committees with jurisdiction over local government aid and out-of-home placement funding whether the data accurately reflects county expenditures for placement of children under the ICWA.</p> <p>Paragraph (b) requires each county to report out-of-home-placement costs for placement of Indian children to the commissioners of human services and corrections. Instructs counties to submit the amounts paid for the two calendar</p>

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years prior to the current calendar year along with the number of case days associated with the expenditures. Requires the reporting to begin January 1, 2021, and continue each January 1 thereafter.

Paragraph (c) requires this data to be used to calculate payments under subdivision 3 until the commissioner of human services develops another method of collecting and verifying out-of-home placement data, and the legislature authorizes the use of that data. Requires the commissioners of human services and corrections to certify the nonfederal out-of-home placement costs for the three previous years to the commissioner of revenue by June 1 of the year prior to the aid payment.

Subd. 3. Aid payments to counties. (a) Beginning for aids payable in calendar year 2020, requires the commissioner of revenue to reimburse each county for 100 percent of the share that remains after aid for tribes has been paid, based on the county's average nonfederal share for the cost of out-of-home placement of Indian children for the three calendar years certified by the commissioner of human services, if the commissioner certifies that accurate data is available to make this determination.

(b) Specifies that aid paid under this subdivision is reduced by the amount paid under § 477A.0126.

Subd. 4. Aid payments to tribes. (a) Requires each tribe to certify to the commissioner of revenue the amount of federal reimbursement for out-of-home placement under the ICWA for the preceding three years, by January 1, 2020, and each year thereafter.

(b) Requires reimbursement to each tribe to be the greater of: (1) 5 percent of the average reimbursement amount received from the federal government for the three most recent years; or (2) \$200,000.

(c) Specifies that aid paid under this subdivision is reduced by the amount paid under § 477A.0126.

Subd. 5. Appropriation. Makes an annual appropriation in a sufficient amount to pay aid from the general fund to the commissioner of revenue.

Effective date. Makes this section effective beginning with aids payable in 2020.



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