

Subject Child Protection DHS Policy Bill

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Overview

This bill modifies provisions related to children’s mental health, qualified residential treatment program placements for children in foster care for treatment, county and tribe agreements for child protection oversight and duties, and minor consent to receive homeless youth and sexually exploited youth services.

Summary

Section	Description
1	Responsible social service agency. Amends § 245.4871 by adding subd. 32a. Defines “responsible social service agency” for purposes of the Children’s Mental Health Act.
2	Admission criteria. Amends § 245.4885, subd. 1. Modifies provisions related to admission or placement for treatment of severe emotional disturbance in a treatment foster care setting, residential treatment facility, or regional treatment center. Requires the responsible social services agency that has placement authority to follow a specified process, in which the juvenile treatment screening team conducts screenings and makes treatment recommendations. Specifies that the level of care determination must inform the juvenile screening team and be made available to them, and requires the responsible social services agency to engage parents in case planning, unless restricted by court order.
3	Contracts for child foster care services. Amends § 256.0112, subd. 10. Removes “facility” from Northstar foster care maintenance payments provision.

Section	Description
4	<p>Foster care maintenance payments.</p> <p>Amends § 256.82, subd. 2. Adds initiative tribes to foster care maintenance payments provision; specifies that the state must approve child care institutions for federal title IV-E reimbursement, and that any facility must be licensed.</p>
5	<p>Children with developmental disabilities in out-of-home placement.</p> <p>Amends § 256B.092 by adding subd. 4e. Requires that the responsible social services agency must follow the juvenile screening team process when considering out-of-home placement for a child with developmental disabilities. Specifies that child cannot be placed outside of the child’s home without placement authority.</p>
6	<p>Minor consent to homeless and sexually exploited youth services.</p> <p>Proposes coding for § 256K.451. Allows any minor living separate and apart from a parent or legal guardian to give consent to receive homeless youth and sexually exploited youth services. Specifies that this section does not affect legal custody.</p>
7	<p>Licensed child foster parent.</p> <p>Amends § 256N.02, subd. 14a. Removes foster residence settings from the definition of “licensed child foster parent;” makes clarifying changes.</p>
8	<p>Placement in foster care.</p> <p>Amends § 256N.21, subd. 2. Clarifies that Northstar foster care benefits are available if a child is placed with a licensed foster parent who resides with the child.</p>
9	<p>Excluded activities.</p> <p>Amends § 256N.21, subd. 5. Removes foster residence setting from Northstar foster care benefit provision.</p>
10	<p>Extraordinary levels.</p> <p>Amends § 256.24, subd. 4. Removes foster residence setting from Northstar foster care benefit provision.</p>
11	<p>County and tribal agreements; maltreatment assessments and investigations of Indian children.</p> <p>Proposes coding for § 260.7611.</p> <p>Subd. 1. County and tribal agreements for the screening of maltreatment reports of Indian children. Allows tribes and counties to enter into written agreements transferring screening and initial response responsibilities for maltreatment reports involving Indian children from the county to the tribe.</p>

Section Description

Requires the agreements to specify responsibility for ongoing case management responsibilities.

Subd. 2. Transfer to tribal social service agency. Specifies that when there is no transfer agreement, the local social service agency must transfer a family assessment or investigation involving an Indian child to the tribal social service agency if:

- 1) the child's reservation is located within the county;
- 2) the child's parent, guardian, custodian, or tribe requests the transfer; and
- 3) the tribal social services agency agrees to accept the transfer.

Specifies that the assessment or investigation remains with the county if the transfer is not accepted.

12 Residential treatment facility.

Amends § 260C.007 by adding subd. 27b. Defines "residential treatment facility" for the purposes of juvenile safety and placement.

13 Juvenile treatment screening team.

Amends § 260C.157, subd. 3. (a) Requires a juvenile treatment screening team to screen a child for treatment in a residential treatment facility. Specifies that a screening team is not required for certain other residential facilities.

(b) Modifies the composition of the juvenile treatment screening team.

(c) Specifies screening team requirements and procedures for when the child screened is an Indian child.

(d) Modifies procedures for when a court proposes residential treatment. Requires the responsible social services agency to conduct a screening, and if residential treatment is recommended, to initiate assessment, court review, and assemble the child's family and permanency team. Specifies procedure for when the child is an Indian child.

(e) Requires the assessment, required processes, and relative search to begin without delay, when a screening team recommends placement in residential treatment. Specifies assessment procedures and that a child or child's parents may request a culturally competent qualified individual to conduct the assessment.

(f) Specifies documentation requirements if the screening team determines that placement in a qualified residential treatment program is not required.

Section	Description
14	<p>Court review of foster care.</p> <p>Amends § 260C.202. Adds evidence and documentation requirements for when a child is placed in a qualified residential treatment program.</p>
15	<p>Permanency progress review for children in foster care for six months.</p> <p>Amends § 260C.204. Adds evidence and documentation requirements for when a child is placed in a qualified residential treatment program.</p>
16	<p>Out-of-home placement; plan for qualified residential treatment program.</p> <p>Amends § 260C.212 by adding subd. 1a. Specifies additional out-of-home placement plan requirements for when a child is placed in a qualified residential treatment program.</p>
17	<p>Out-of-home placement plan update.</p> <p>Amends § 260C.212 by adding subd. 1b. Specifies requirements for an out-of-home placement plan to be updated, signed, and copies provided to parties and filed with the court. Provides required timelines and procedures.</p>
18	<p>Placement decisions based on best interests of the child.</p> <p>Amends § 260C.212, subd. 2. Specifies that statutory assessment and court review processes determine the appropriateness of a placement decision when a juvenile treatment screening team recommends placement in a qualified residential treatment program.</p>
19	<p>Monthly caseworker visits.</p> <p>Amends § 260C.212, subd. 4a. Allows the responsible social service agency to designate another person for monthly case visits. Defines “another person” for purposes of this section.</p>
20	<p>Payment for residential placements.</p> <p>Amends § 260C.4412. (a) Adds foster residence settings and children’s residential facilities as eligible settings for foster care maintenance payments as child care institutions.</p> <p>(b) Requires the commissioner to determine federal Title IV-E administrative procedures for residential programs, qualified residential treatment programs, other specialized settings, residential substance use disorder treatment programs, and supervised independent living settings.</p>

Section	Description
21	<p>Required permanency proceedings.</p> <p>Amends § 260C.503, subd. 1. Clarifies permanency proceeding requirements for when a child is in voluntary foster care for treatment.</p>
22	<p>Qualified residential treatment program; permanency hearing requirements.</p> <p>Amends § 260C.503 by adding subd. 4. Clarifies that when a child is placed in a qualified residential treatment facility, the responsible social service agency must submit evidence to the court at the permanency hearing documenting the required assessments, services, and agency efforts.</p>
23	<p>Child in foster care for treatment.</p> <p>Amends § 260D.01. Modifies terminology to include both voluntary and involuntary placement of children in foster care for treatment. Specifies that chapter 260D applies when the responsible social services agency determines the need for treatment in a residential facility.</p> <p>Adds that the chapter establishes foster care for treatment when the juvenile treatment team conducts a screening and the assessment process is initiated, and that the responsible social service agency is required to assemble a permanency team for a child in foster care for treatment and participate in case planning until permanency is achieved. Also establishes voluntary foster care for treatment when the child’s needs for treatment may be met in a family foster home or less restrictive setting.</p> <p>Authorizes commissioner to specify the assessment, procedures, and requirements for children in foster care for treatment.</p>
24	<p>Case plan.</p> <p>Amends § 260D.02, subd. 3. Adds cross-reference.</p>
25	<p>Child in foster care for treatment.</p> <p>Amends § 260D.02, subd. 5. Modifies terminology to include both voluntary and involuntary placement of children in foster care for treatment; specifies necessary assessment and court procedures for placement to occur.</p>
26	<p>Family and permanency team.</p> <p>Amends § 260D.02 by adding subd. 9a. Adds definition of “family and permanency team.”</p>
27	<p>Family foster home.</p> <p>Amends § 260D.02 by adding subd. 9b. Adds definition of “family foster home.”</p>

Section	Description
28	Foster care. Amends § 260D.02, subd. 10. Amends definition of “foster care” by adding a cross-reference; exempts children colocated with a parent or guardian in a licensed residential family-based substance use disorder treatment program from the definition.
29	Legal authority to place the child. Amends § 260D.02, subd. 11. Amends definition to include court-ordered placement, adds language relating to Indian children, and clarifies that the parent with legal custody retains legal authority unless the court gives such authority to the responsible social service agency.
30	Permanency plan. Amends § 260D.02 by adding subd. 13a. Adds definition of “permanency plan.”
31	Qualified individual. Amends § 260D.02 by adding subd. 13b. Adds definition of “qualified individual.”
32	Qualified residential treatment program. Amends § 260D.02 by adding subd. 13c. Adds definition of “qualified residential treatment program.”
33	Responsible social service agency. Amends § 260D.02 by adding subd. 15. Adds definition of “responsible social service agency.”
34	Voluntary foster care for treatment. Amends § 260D.02 by adding subd. 16. Adds definition for “voluntary foster care for treatment,” incorporating language moved from section 260D.03.
35	Placement requirements; foster care for treatment. Amends § 260D.03. Subd. 1. Assessment of the appropriateness of a qualified residential treatment program placement. Requires the responsible social service agency to initiate an assessment by a qualified individual, if the juvenile screening team recommends residential treatment. Subd. 3. The assessment by the qualified individual. Outlines requirements for an assessment by a qualified individual, to be completed prior to or within 30 days of the child's placement in a qualified residential treatment program. Allows the child and the child’s parents to specify the culturally competent qualified

Section	Description
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individual to complete the assessment, requires the agency to make efforts to refer the assessment to the identified qualified individual.

Subd. 4. Qualified individual determination. (a) Specifies that if the qualified individual determines the child needs placement in a setting that is not a family foster home, the assessment must state the reasons for the placement decision. (b) Requires that the child be transitioned out of the qualified residential treatment program within 30 days of a determination that the child may be placed in a less restrictive placement setting.

Subd. 5. Family and permanency team. Requires the responsible social service agency to assemble a family and permanency team for a child in foster care for treatment.

Subd. 6. Court approval of foster care for treatment. Requires court approval or disapproval of placement in foster care for treatment within 60 days from the start of each placement in a qualified residential treatment program.

Subd. 7. Ongoing reviews and permanency hearing requirements. Requires the responsible social service agency to submit evidence at each administrative review, court review, or permanency hearing, as long as the child remains in a qualified residential treatment program; specifies evidence to be submitted.

Subd. 8. Review of extended qualified residential treatment program placements. Specifies what qualifies as an extended qualified residential treatment placement. For such extended placements, requires the responsible social service agency to submit signed approval by the agency and evidence provided at the most recent review or permanency hearing to the commissioner. Requires the commissioner to develop procedures and requirements for reviews of extended placements.

36 **Family and permanency team requirements.**

Proposes coding for § 260D.032. Specifies requirements for the family and permanency team, to be assembled within ten days after a juvenile screening team recommends placement in residential treatment. Requires the team to meet about the assessment of the appropriateness of placement in a qualified residential treatment program, and to participate in case planning on an ongoing basis.

37 **Voluntary foster care for treatment.**

Amends § 260D.04. Specifies requirements for a voluntary foster care for treatment agreement between the child's parent and the agency, which gives the agency legal authority to place the child in foster care.

Section	Description
38	<p>Agency report to court and court review of child in voluntary foster care for treatment due to disability.</p> <p>Amends § 260D.06. Updates terminology and references; specifies additional information required for the written report to the court for judicial review of voluntary foster care for treatment in a qualified residential treatment program.</p>
39	<p>Required permanency review hearing for a child in voluntary foster care for treatment.</p> <p>Amends § 260D.07. Updates terminology and references; specifies additional court oversight responsibilities and information required for submission at a permanency review hearing for a child placed in voluntary foster care for treatment.</p>
40	<p>Annual review for a child in voluntary foster care for treatment.</p> <p>Amends § 260D.08. Specifies additional requirements for a court’s annual review for children placed in voluntary foster care for treatment.</p>
41	<p>Permanency review after adjudication under chapter 260C.</p> <p>Amends § 260D.09. Updates terminology to reflect changes in this chapter.</p>



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