

NUMBER

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DATE

July 25, 2019

OF INTEREST TO

County Directors

Social Services Supervisors and
Staff

Tribal Social Service Directors
and Staff

County Attorneys

Tribal Attorneys

ACTION/DUE DATE

Please read information and
prepare for implementation

EXPIRATION DATE

July 25, 2021

Overview of 2019 Child Welfare Legislation

TOPIC

Overview of 2019 child welfare legislation.

PURPOSE

Provide a summary of 2019 legislative actions that affect delivery of child welfare services to children and families.

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SIGNED

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Children and Family Services Administration

TERMINOLOGY NOTICE

The terminology used to describe people we serve has changed over time. The Minnesota Department of Human Services (DHS) supports the use of "People First" language.

I. Re-establishment of the legal parent and child relationship

Effective August 1, 2019, this law is expanded to allow a parent whose parental rights were terminated to petition a court for re-establishment of those rights after 48 months of the termination, regardless of a child's age. Under current law, only a county attorney has the legal authority to file a petition for re-establishment of the legal parent and child relationship.

This law explains the required content of a parent's petition for re-establishment of the legal parent and child relationship, and the parties who must be served. The law states that if the court denies a parent's petition under this section after a hearing, it must issue a written order barring the filing of subsequent petitions by the parent for a specified time period, or issue written findings in support of the order, and evaluate the best interests of the child. [Laws of Minnesota 2019, chapter 14]

II. Funding to county and tribal social service agencies from opiate epidemic response account

An Opiate Epidemic Response Account (OERA) was established, financed by licensing fee changes and new opiate product registration fees. In addition to establishing this account, the law dictates how the OERA funds are to be spent, including through establishment of an Opiate Epidemic Response Advisory Council. This law directs that a portion of available funds are to be distributed to county and tribal social service agencies to provide child protection services to children and families affected by opiate addiction. Annual reporting by county and tribal agencies on how funds were used is required, and supplantation of current spending is prohibited. Department staff will work with county and tribal agency staff to determine implementation plans, and will issue final directions in an upcoming bulletin. [Laws of Minnesota 2019, chapter 63, article 1, section 8]

III. Child Welfare Training Academy

To address the increase in child welfare caseloads as a result of an increasing number of children and families involved with the state's child protection system, and a resulting increase in worker turnover, investments to the Minnesota Child Welfare Training System for development of a regional Child Welfare Training Academy were included in the governor's 2019 budget. These investments were funded by the 2019 Minnesota Legislature at \$4.2 million in state fiscal years 2020-21, and \$5.8 million in 2022-23 to develop:

- A state/university training collaborative to implement and administer a Child Welfare Training Academy with regional hubs, and
- Requirements for certification of both child welfare workers and supervisors, and ongoing development of training methods and requirements by the Minnesota Department of Human Services (department).

The Child Welfare Training Academy will be phased in over a four-year implementation cycle. The following activities are planned for the first year of implementation (July 1, 2019-June 30, 2020):

- Create a stakeholder advisory team with diverse and multi-disciplinary representation for implementation planning and design of the overall advisory structure
- Pilot initial expansion of child welfare Foundation training and new Supervisor Core training
- Plan and obtain a metro training facility, and issue a Request for Proposals to host regional training hubs, and
- Design and launch new statewide training website.

The 2019 legislature also provided \$400,000 in one-time funding to conduct a child welfare caseload study to determine the number of child welfare workers in Minnesota, and the amount of time they spend on different components of their work. This study will be conducted in 2020 with a report to the legislature with findings, due December 2020. [Laws of Minnesota 2019, 1st Spec. Sess. chapter 9, article 1, sections 37 and 38]

IV. American Indian Child Welfare Initiative expansion

Included in the governor's budget, this proposal was funded by the 2019 legislature at \$15.4 million in state fiscal years 2020-21, and \$25 million in 2022-23. This legislation:

- Expands the American Indian Child Welfare Initiative to include Red Lake Nation and Mille Lacs Band of Ojibwe
- Provides additional funding for the existing Initiative tribes, Leech Lake Band of Ojibwe and White Earth Nation, and
- Establishes the American Indian Family Early Intervention Program to enable grantees to provide culturally appropriate early intervention services and resources to address issues that place American Indian families at risk of entering the child protection system.

[Laws of Minnesota 2019, 1st Spec. Sess. chapter 9, article 1, section 19]

V. Family First Prevention Services Act implementation

Included in the governor's budget, this proposal was funded by the 2019 legislature at \$1.9 million in state fiscal years 2020-21 and \$1.4 million in 2022-23. This legislation:

- Includes funding for new staff to develop and expand the evidence-based prevention services array that meet Title IV-E program requirements; manage stricter residential facility requirements and assessment standards for residential services; develop and maintain a statewide Kinship Navigator program and strengthen reunification efforts; manage federal claiming and reporting changes for foster care, adoption assistance, guardianship assistance, prevention services, and Kinship Navigator programs; and ensure appropriate regulatory implementation
- Establishes provisions for children to be co-located in foster care with their parent in licensed residential family-based substance use disorder treatment facilities, including placement authority, court reviews, case planning and facility requirements

- Requires individuals working in a children’s residential facility to have a background study that includes a fingerprint-based FBI check and a name-based maltreatment check in any state where a person has lived in the past five years for county/tribal agencies to receive federal funding reimbursement
- Amends child foster home capacity variances to allow additional children, if a variance is needed to allow a parenting youth in foster care to remain with their child, siblings to remain together, a child with an established meaningful relationship with a family to remain, or a family with special training or skills to provide care to a child who has a severe disability, and
- Directs the commissioner to explore Kinship Navigator models that support placement of children with relatives.

[Laws of Minnesota 2019, 1st Spec. Sess. chapter 9, article 1, sections 23-33, 36; article 2, sections 30, 63, 71, and 78]

VI. Elimination of the county child protection grant withholds

Effective July 1, 2019, this law eliminates authority of the Minnesota Department of Human Services to withhold 20% of a county’s child protection grant when a county does not meet specified performance measures. The law allows the department to set child protection measures and standards, and to redirect up to 20% of the child protection grant of an underperforming county toward a program improvement plan. [Laws of Minnesota 2019, 1st Spec. Sess. chapter 9, article 1, sections 21 and 22]

VII. Child passenger restraint systems training modified for relative foster care providers

A. Programs licensed under Minnesota Rules, Chapter 2960

Effective September 30, 2019, this law limits the requirement that any license holder, staff, or caregiver who transports children in a motor vehicle to complete child passenger restraint systems training when children are *under age 8*. Under current law, this training was required for any person transporting a child under age 9.

B. Emergency relative placements under section 245A.035

This law allows the department to grant a variance to the child passenger restraint systems training for a relative who completes a child seat safety check up. The child seat safety check up trainer must be approved by the Minnesota Department of Public Safety, Office of Traffic Safety, and must provide one-on-one instruction on placing a child of a specific age in the exact child passenger restraint in the motor vehicle in which they will be transported.

Once granted a variance, and if all other licensing requirements are met, a relative applicant may receive a license and transport a relative foster child younger than age 8. A child seat safety check up must be completed

each time a child requires a different size car seat. A relative license holder must complete the required training prior to placement of another foster child younger than age 8 in the home, or prior to renewal of the child foster care license. [Laws of Minnesota 2019, 1st Spec. Sess. chapter 9, article 2, section 49]

VIII. Medical Assistance for children eligible for Northstar Foster Care or Northstar Kinship Assistance

Effective January 1, 2020, or upon federal approval, whichever is later, Medical Assistance (MA) is expanded to categorically include children determined eligible for foster care or kinship assistance under Chapter 256N. Currently, children eligible for Title IV-E foster care or Title IV-E Northstar kinship assistance are automatically eligible for MA, which will not change. However, upon federal approval, children who are eligible for non-Title IV-E Northstar Foster Care or non-Title IV-E Northstar Kinship Assistance will also be automatically eligible for MA. Additional policy and procedures will be released after federal approval is received. Continue to follow current policy and procedures until updated guidance is released. [Laws of Minnesota 2019, 1st Spec. Sess. chapter 9, article 7, section 18]

IX. Parent support for better outcomes grants

Effective July 1, 2019, the legislature appropriated \$150,000 in state fiscal years 2020 and 2021 for grants to Minnesota One-Stop for Communities to provide mentoring, guidance, and support services for parents navigating the child welfare system in Minnesota to promote development of safe, stable, and healthy families. Grant funds may be used for parent mentoring, peer-to-peer support groups, housing support services, training, staffing and administrative costs. [Laws of Minnesota 2019, 1st Spec. Sess. chapter 9, article 14, section 22]

X. Additional funding for the Guardian ad Litem program

Effective July 1, 2019, this statute appropriates \$4 million in both state fiscal years 2020 and 2021 for new guardian ad litem positions to maintain compliance with federal and state mandates. [Laws of Minnesota 2019, 1st Spec. Sess. chapter 5, article 1, section 5]

XI. Expanded definition of sexual abuse in the Maltreatment of Minors Act

New laws make several modifications to the definition of sexual abuse in the Maltreatment of Minors Act, including:

- effective July 1, 2019, the addition of a new criminal violation under Minnesota Statute 609.352 (the solicitation of children to engage in sexual conduct; communication of sexually explicit materials to children), to the definition of sexual abuse

- effective August 1, 2019, an expansion of the definition of sexual abuse by adding “current or recent” to position of authority, and
- effective August 1, 2019, an expansion of the definition of sexual abuse by expanding the offender registry to include individuals charged and convicted of, or adjudicated delinquent for, surreptitious intrusion, and those convicted of or adjudicated delinquent for a specific list of offenses.

[Laws of Minnesota 2019, 1st Spec. Sess. chapter 11, article 5, section 3; Laws of Minnesota 2019, 1st Spec. Sess. chapter 5, article 4, section 19; Laws of Minnesota 2019, 1st Spec. Sess. chapter 5, article 5, section 3]

XII. New reporting requirements between the Minnesota Department of Education and teacher licensing boards regarding child maltreatment

Effective July 1, 2019, new laws make several modifications to the Maltreatment of Minors Act, including a requirement that:

- Law enforcement inform the licensing board when it receives a report of child abuse by a person licensed by the Professional Educator Licensing and Standards Board or Board of School Administrators, and
- The Minnesota Department of Education must provide a copy of its offender maltreatment determination report to the licensing entity (student identifying information removed), including but not limited to the following sections: Report of alleged maltreatment, legal standard, investigation, summary of findings, determination, corrective action by a school, reconsideration process, and listing of records related to an investigation.

[Laws of Minnesota 2019, 1st Spec. Sess. chapter 11, article 3, sections 18 and 19]

XIII. Expansion of Minnesota Department of Education’s authority to screen and investigate or assess child maltreatment reports for youth ages 18-21

Effective July 1, 2019, this law requires the Minnesota Department of Education to assess or investigate allegations of maltreatment involving students ages 18-21, including those receiving special education, until their graduation. [Laws of Minnesota 2019, 1st Spec. Sess. chapter 11, article 5, section 4]

XIV. Relative search guidance

The commissioner of human services shall develop and provide guidance to assist local social service agencies in conducting relative searches. A bulletin shall be issued by January 1, 2020, and provide: Easily understandable methods of relative notification, resources for agency staff to improve engagement and communication with relatives and kin, and provide information to relatives and kin about all permanency options, sustaining relationships, visitation and supporting permanency. [Laws of Minnesota 2019, 1st Spec. Sess. chapter 9, article 1, section 41]

Americans with Disabilities Act (ADA) Advisory

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