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**Senate**  

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**State of Minnesota**

**To:** Legislative Task Force on Child Protection

**From:** Joan White, Senate Counsel (651/296-3814)

**Re:** Summary of Child Protection Provisions Passed in 2015 Legislative Session  
(Chapter 71, Article 1)

**Date:** August 10, 2015

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**Sections 4, 5, and 7 (245C.03, subd. 11, 245C.04, subd. 10, 245C.10, subd. 12)** require background studies for county social services employees who perform child protection duties, and requires the commissioner to recover \$20 per study.

**Section 8 (256.01, subd. 12a)** establishes the Department of Human Services child fatality and near fatality review team, to assess the child protection services process, conduct on-site reviews, and identify necessary program improvements, including additional training and technical assistance needs of the local agency. Provides that department staff shall lead the reviews, and requires summary reports of each review to be submitted to the state child mortality review panel.

**Section 12 (256E.28) Subdivision 1**, allows the commissioner to award grants for development, implementation, and evaluation of activities to address racial disparities in the child welfare system. Provides a list of the issues that must be addressed.

**Subdivision 2. State-community partnerships; plan.** Requires the commissioner, in partnership with culturally based community organizations; various cultural councils, counties, tribal governments, and the legislative task force on child protection, to develop a plan for awarding grants.

**Subdivision 3. Measurable outcomes.** Requires the commissioner to establish measurable outcomes before distributing any grants.

**Subdivision 4. Process.** Establishes the process for providing grants. Limits a county grantee to spending no more than three percent of the grant for administrative costs. Requires the commissioner to establish an administrative cost limit with all other grantees. Prohibits a grantee from using grant funds to supplant existing federal and state funds received for child protection purposes.

**Subdivision 5. Grant program criteria.** Provides that the commissioner shall award competitive grants to eligible applicants. Establishes the groups and entities that may be eligible for grants. Specifies the priorities that must be considered by the commissioner in awarding grants.

**Subdivision 6. Evaluation.** Requires the commissioner to conduct biennial evaluations of the programs operated by the grantees using the outcomes under subdivision 3. Requires the commissioner to consult with the legislative task force on the protection of children and submit a biennial report to the task force and the legislature.

**Subdivision 7. American Indian child welfare projects.** Requires the commissioner to award \$75,000 to each tribe authorized to provide child welfare services under section 256.01, subd. 14b. An eligible tribe is not required to apply for these funds, and may apply for a competitive grant under this section.

**Section 46 (256M.41)** establishes the child protection grant allocation to address county staffing. The county grant amount is based on the formula in **subdivision 1**, with a floor of \$75,000 per county, and **subdivision 2** prohibits the county from using grant funds to supplant current child protection county expenditures. **Subdivision 3** withholds a total of 20 percent of the grant until the county meets certain performance outcomes. The commissioner is required to develop recommendations for outcome measures by January 1, 2018.

**Section 88 (626.556, subd. 1)** modifies the maltreatment of minors public policy statement, by providing that the health and safety of the children must be of paramount concern, and intervention and prevention must address immediate concerns for child safety.

**Section 89 (626.556, subd. 2)** amends the definition of the following terms: "family assessment," "investigation," "substantial child endangerment," "physical abuse," and "report." The term "sexual abuse" is added throughout section 626.556 because the term was imbedded in the definition of "substantial child endangerment" and also defined separately. To clarify terms, the definition of "substantial child endangerment" was modified to delete the "sexual abuse" reference, resulting in both terms being defined and referenced in this section of law.

**Section 90 (626.556, subd. 3)** amends the headnote to reflect the content of the subdivision, adds tribal social services agency and tribal police to the list to which a reporter of maltreatment may report, strikes language that is moved to **626.556, subd. 7 and 10**, and adds a paragraph referencing the moved language regarding mandatory notification between law enforcement and local welfare agency.

**Section 92 (626.556, subd. 7)** requires the local welfare agency to determine if a report is screened in or out, and allows the agency to consider, when relevant, all previous history, including screened out reports. It also includes language providing for certain information regarding the disposition of reports to be given to reporters, which is moved from current law in **626.556, subd. 3**. Requires screened-out reports to be maintained according to the record retention schedule in subdivision 11c. **Paragraph (f)** requires the local welfare agency to consider prior reports, including screened-out reports, when making screening decisions.

**Section 93 (626.556, subd. 7a) Paragraph (a)** requires staff, supervisors, and other involved in child protection screening to follow guidance issued by the commissioner of human services and

immediately implement updated policies and procedures when notified by the commissioner.

**Paragraph (b)** provides that any modifications to the screening guidelines must be preapproved by the Commissioner of Human Services. The county agency must consult with the county attorney before proposing modifications to the commissioner.

**Section 94 (626.556, subd. 10)** moves existing language from **626.556, subd. 3** to this subdivision, requiring law enforcement and local welfare agencies to immediately notify each other orally and in writing upon receipt of a report. The law enforcement and local welfare agencies are required to designate a person responsible for ensuring that the notification duties under this section are carried out. When the alleged maltreatment occurred on tribal land, the tribal social services agency and tribal law enforcement must be notified immediately, orally and in writing. This section adds that prior screened out reports are relevant information in investigations and family assessments.

**Section 95 (626.556, subd. 10e)** strikes language that allowed counties to modify definitions or criteria under this section.

**Section 96 (626.556, subd. 10j)** requires the release of relevant private data to a mandated reporter who made the report and has an ongoing responsibility for the child, unless the agency determines that providing the data would not be in the best interests of the child. The agency may provide the data to other mandated reporters with an ongoing responsibility for the health, education, or welfare of the child. New **paragraph (b)** provides that the reporter who receives private data under this subdivision must treat the data according to that classification.

**Section 97 (626.556, subd. 10m)** requires the local welfare agency to consult with the county attorney to determine the appropriateness of filing a CHIPS petition if the family does not accept or comply with a plan for child protective services, voluntary services may not provide sufficient protection for the child, or the family is not cooperating with an investigation.

**Section 98 (626.556, subd. 11c)** adds reports alleging child maltreatment that were not accepted for assessment or investigation to the record retention requirements of this paragraph. Requires those reports, family assessment cases, and cases in which an investigation determines there has been no maltreatment or need for protective services to be retained for five years. Requires that records of screened-out reports must contain sufficient information to identify the subjects of the reports, the alleged maltreatment, and the reasons the report was not accepted. This section also clarifies that retained records can be used in future screening decisions and risk and safety assessments.

**Section 99 (626.556, subd. 16) Paragraph (a)** requires the commissioner to develop a plan for quality assurance reviews of local agency screening practices, and oversee and provide guidance to counties so that screening decisions are consistent throughout the state. Requires the reviews to begin no later than September 30, 2015. **Paragraph (b)** requires the commissioner to issue an annual report with summary results of the reviews. Specifies that the report must contain aggregate data and must not include data that could be used to identify any subject whose data is included in the report. Provides that the report must be classified as public information and be provided to designated members of the legislature.

**Section 100 (626.559, subd. 1b)** requires all county employees who have child protection duties who are hired on or after July 1, 2015, or who have been assigned new child protection duties on or after July 1, 2015, to undergo a background study. A county may either use the Department of Human Services or develop an alternative process to complete background studies.

**Section 122** requires the commissioner to update the child maltreatment screening guidelines by October 1, 2015, to require agencies to consider prior reports that were not accepted for assessment or investigation when screening a new report. Requires the commissioner to work with a diverse group of community representatives who are experts on limiting cultural and ethnic bias. This section also requires the commissioner to publish and distribute the updated guidelines by November 1, 2015, and ensure that agency staff have received training on updated guidelines. Agency staff must implement the guidelines by January 1, 2016.

**Section 123** requires the commissioner to establish requirements for competency-based initial training, support, and continuing education for child protection supervisors. The training must advance continuous emphasis and improvement that integrates the client's traditions, customs, values, and faith into service delivery.

**Section 124** instructs the commissioner to evaluate the formula established in section 256M.41 to determine whether modifications are needed to the distribution formula. The report is due December 15, 2016.

**Section 125** establishes the legislative task force and lists its duties. Allows the task force to provide oversight and monitoring of specified executive agencies, counties, and tribes in their efforts to assure the safety and well-being of children at risk of harm or children who are involved in the child welfare system. Requires the task force to issue a report to the legislature and governor. Provides that the task force expires the last day of the 2016 legislative session.