

Senate Counsel, Research,
and Fiscal Analysis
Minnesota Senate Building
95 University Ave. W. Suite 3300
ST. PAUL, MN 55155-1800
(651) 296-4791
THOMAS S. BOTTERN
DIRECTOR

Senate

State of Minnesota

TO: Senator Kathy Sheran

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

DATE: September 1, 2016

RE: Summary of Child Protection and Related Provisions Passed in the 2016
Legislative Session

Northstar Care for Children Rate Increase

Minnesota Statutes, section 256N.26, subdivision 3, increases the basic monthly rate for Northstar Care for Children by 15 percent beginning July 1, 2017, which includes foster care, kinship assistance, and adoption assistance.

Modifications Related to Children in Foster Care

Section 260C.15 creates a new section of law establishing the procedure for transferring the responsibility for the placement and care of an Indian child in out-of-home placement from the social services agency to a tribal agency.

Section 250C.212, subdivision 1, allows a child 14 years or older to select one member of the case planning team to be designated as the child's adviser and to advocate for reasonable and prudent parenting standards. For a child 18 years or older, this section requires, when appropriate, that the social services agency involve the child's parents in the child's case planning. This section also provides more detail related to educational stability requirements for foster children, clarifies the child's role in the development of the independent living plan, and requires that the child receives notice of rights.

Section 260C.212, subdivision 14, defines the term "developmentally appropriate," and modifies the definition of "reasonable and prudent parenting." This section also requires the commissioner to provide guidance as to what activities a foster parent must consider when applying reasonable and prudent standards.

Section 260C.215, subdivision 4, requires the curriculum for foster parents to include, as necessary, knowledge and skills related to reasonable and prudent parenting standards.

Section 260C.451, subdivision 6, clarifies that a child may reenter foster care prior to 21 years of age.

Section 260C.451, subdivision 9, adds a new subdivision clarifying requirements of administrative or court reviews to ensure the social services agency is making reasonable efforts to finalize the permanency plan for the child.

Section 260C.452 creates a new section of law consolidating provisions related to the successful transition to adulthood for children under the guardianship of the commissioner, which includes independent living plan, notification of right to continued access to services, administrative or court review of placements, and notification of termination of foster care.

Section 260C.521, subdivision 1, modifies the purpose of the court review hearing of an order for permanent custody by specifying requirements of the responsible social services agency.

Section 260D.14 amends the chapter of law related to a child in voluntary foster care for treatment chapter of law, by creating a new section related to the successful transition to adulthood, which includes case planning, notification of continued right to access services, and administrative or court reviews.

Amendments to Maltreatment of Minors Act

Section 626.556, subdivision 2, amends the definition of sexual abuse in the Maltreatment of Minors Act. Effective May 29, 2017, the term sexual abuse includes a child who is a victim of sex trafficking.

Section 626.556, subdivision 3e, provides that the local welfare agency is responsible for investigating when a child is identified as a victim of sex trafficking, effective May 29, 2017.

An uncodified section of law is a Revisor's instruction requiring the Revisor of Statutes, in consultation with the Commissioner of Human Services, Senate Counsel, and House Research, to recodify the Maltreatment of Minors Act.

Expansion of Multidisciplinary Child Protection Team

Section 626.558, subdivision 1, adds children's advocacy centers to the list of community-based agencies that may be included on the multidisciplinary child protection team, which are teams established by counties to develop child protection resources, and review child protection cases and provide case consultation to the local welfare agencies.

Section 626.558, subdivision 2, adds a representative of a children's advocacy center to the list of agencies that may assist with case consultation.

Section 626.558, subdivision 4, defines the term "children's advocacy center."

Extension of the Legislative Task Force on Child Protection

An uncodified section of law that extends the task force until December 31, 2020, expands the membership, and adds duties.

Modifications to the DHS Child Fatality and Near Fatality Review Team

Section 256.01, subdivision 12a, prohibits a member of the child mortality review team from disclosing what transpired during a review, except if it is necessary to carry out the review team duties. This section specifies that the proceedings and records are protected nonpublic data and are not subject to discovery.