



# Bulletin

**NUMBER**

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**DATE**

July 1, 2015

**OF INTEREST TO**

County Directors

Social Services Supervisors  
and Staff

Tribal Social Service  
Directors and Staff

County Attorneys

Tribal Attorneys

**ACTION/DUE DATE**

Review and implement as  
directed.

**EXPIRATION DATE**

July 1, 2017

## Overview of 2015 Laws Affecting Children and Families

**TOPIC**

2015 child welfare legislation.

**PURPOSE**

Provide a summary of 2015 legislative actions that affect the delivery of child welfare services to children and families.

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**SIGNED**

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**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.

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## Summary of 2015 Legislative Actions

This bulletin summarizes the 2015 legislative actions that affect the delivery of child welfare services to children and families. Legislation is effective July 1, 2015, unless otherwise specified. For specific statutory references, refer to Appendix B: Chart of 2015 Minnesota Child Welfare Legislative Changes.

Additions and/or revisions have occurred to the following areas of law:

- Child protection
- Child fatality and near fatality
- Out-of-home care and Northstar Care for Children
- Protecting missing and runaway children and youth at risk of sex trafficking
- Minnesota Indian Family Preservation Act
- Workforce development and Minnesota Department of Human Services oversight
- Grants and funding.

### I. Child Protection

Several significant changes were made to the front-end of Minnesota's child protection system regarding intake, screening and response path protocols. Some of these revisions and/or additions stemmed from recommendations made by the Governor's Task Force on the Protection of Children.

Minnesota policy is explicit in that the health and safety of children must be the paramount concern, and intervention and prevention efforts must address immediate concerns for child safety. Additional changes to Minnesota Statutes, section 626.556, are as follows:

#### Response path assignment

- Deletes Family Assessment as a preferred response for reports that do not allege substantial child endangerment or sexual abuse.
- Prohibits Family Assessment for reports of sexual abuse or substantial child endangerment.
- When using Family Assessment, the local welfare agency shall begin an immediate investigation if, at any time it determines there is reason to believe that sexual abuse exists, and continues to be required if there is reason to believe substantial child endangerment or a serious threat to a child's safety exists.
- The local welfare and law enforcement agencies shall continue to coordinate planning and execution of their respective investigation and assessment efforts to avoid duplication of fact-finding efforts and multiple interviews. Each agency shall prepare a separate report of the results of its investigation or assessment.

## **Definitions in Maltreatment of Minors Act**

- Changes the definition of physical abuse:
  - Deletes requirement that certain actions must be done in anger or without regard to a child.
  - Adds striking a child who is at least age 1, but under age 4, on the face or head which results in an injury.
- Modifies the definition of report to any communication received by the local welfare agency, police department, county sheriff, or agency responsible for child protection that describes neglect, or physical or sexual abuse of a child, and has enough content to identify the child and any person believed to be responsible for the neglect or abuse, if known.

### **A. Mandated and voluntary reporters**

Mandated reporters may report to tribal social services agency or tribal police department staff when immediately reporting when they know or have reason to believe a child is being neglected or physically or sexually abused, or has been neglected or physically or sexually abused within the preceding three years. Similarly, any person may voluntarily report to the local welfare agency, agency responsible for assessing or investigating a report, police department, county sheriff, tribal social services agency or tribal police department.

Notification must be done orally and in writing for all reports, whether screened out or screened in for a child protection response.

### **Mandated reporters and release of data**

A local social services or child protection agency is:

- Required to provide data to a mandated reporter making a report, who has ongoing responsibility for the health, education or welfare of a child affected by the data unless providing the data would not be in a child's best interest.
- Permitted to provide data to other mandated reporters with ongoing responsibility for the health, education or welfare of a child.

### **B. Screening practices**

**Timing:** The local welfare agency shall determine if a report is to be screened in or out as soon as possible, but no longer than 24 hours after a report is received.

**History:** When determining whether a report will be screened in or out, an agency receiving a report must consider, when relevant, all previous history, including reports that were screened out. An agency may communicate with treating professionals and individuals as defined in Minnesota Statutes, section 626.556, subdivision 10, paragraph (i), clause (3), item (iii), in making a decision.

**Sharing information with reporters:** The local welfare agency shall provide a summary of the disposition of any report made by that reporter, including whether the case has been

opened for child protection or other services, or if a referral has been made to a community organization, unless sharing that information would not be in a child's best interest.

Voluntary reporters shall, upon request to the local welfare agency, receive a concise summary of the disposition of any report made by that reporter, unless to do so would not be in a child's best interest.

**Record retention:** Reports that are screened out must be maintained in accordance with Minnesota Statutes, section 626.556, subdivision 11c, paragraph a.

**Use of screened-out reports:** The local welfare agency or agency responsible for investigating or assessing a report may use a screened-out report for making an offer of social services to a family. When evaluating a report, an agency shall consider prior reports, including screened-out reports, to decide whether an Investigation or Family Assessment must be done.

### **New requirement on guidance for screening reports**

Child protection staff, supervisors and others involved in doing child protection screening of reports must follow the Child Maltreatment Screening Guidelines issued by the Minnesota Department of Human Services (department) and must immediately implement updated procedures and protocols.

If a local agency wants to implement changes to the guidelines, these changes must be preapproved by the department. County agency staff must consult with the county attorney before proposing changes. Proposed changes:

- Cannot be less protective of children than mandated in law
- Must not limit reports that are screened in or place additional limits on consideration of reports that were screened out in making screening decisions.

The previous law allowing counties to establish different criteria with approval of the county board was removed.

## **C. Mandatory cross-reporting**

The police department or the county sheriff shall immediately notify the local welfare agency, or agency responsible for child protection reports, when a report is received. This must be done orally and in writing.

The local welfare agency, or agency responsible for child protection reports, shall immediately notify the local police department or county sheriff when a report is received. This must be done orally and in writing. This means all reports, whether screened in or screened out.

The county sheriff, the head of every local welfare agency or agency responsible for child protection reports, and the police department shall designate a person responsible for ensuring these cross-reporting duties are done.

When alleged child maltreatment occurred on tribal land, the local welfare agency or agency responsible for child protection reports, and the local police department or county sheriff, shall immediately notify the tribe's social services agency and tribal law enforcement when a report is received. This must be done orally and in writing.

These notifications are cross-referenced in several places in statute.

The local welfare agency shall provide immediate notice to an Indian child's tribe when the agency has reason to believe a Family Assessment or Investigation may involve an Indian child. Immediate notice means within 24 hours.

## **D. Assessment or investigation protocols**

Face-to-face contact with the child and primary caregiver shall occur immediately if sexual abuse or substantial child endangerment is alleged, and within five calendar days for all other reports.

During an assessment or investigation, specific information must be asked and may include any maltreatment reports that were screened out and not accepted for assessment or investigation.

## **E. County attorney consultation**

A local welfare agency shall consult with the county attorney to decide if it is appropriate to file a petition alleging a child is in need of protection or services (CHIPS) if:

- The family does not accept or comply with a plan for child protective services
- Voluntary child protective services may not provide sufficient protection for a child
- The family is not cooperating with an investigation or assessment.

## **F. Maintaining records**

The following records must be kept for five years:

- Screened-out reports (from date not accepted)
- Family Assessment cases (last entry in case)
- Investigations resulting in no determinations (last entry in case).

Records of reports not accepted must contain:

- Sufficient information to identify the subjects of the report
- The nature of the alleged maltreatment
- Reasons why the report was not accepted.

These records cannot be used for employment, background checks, or purposes other than to assist in future screening decisions, and risk and safety assessments.

## II. Child Fatality and Near Fatality

### A. Review team

The department will continue to:

- Conduct child fatality and near fatality reviews
- Facilitate local agencies in reviewing:
  - Child fatalities and near fatalities due to child maltreatment
  - Child fatalities and near fatalities that occur in licensed facilities not due to natural causes.

The team shall assess the entire child protection services process, from the point of a mandated reporter reporting the alleged maltreatment through the ongoing case management process.

Department staff shall lead and conduct on-site local reviews and utilize supervisors from local county and tribal child welfare agencies as peer reviewers, as follows:

- The review process must focus on critical elements of the case, and on involvement of the child and family with the county or tribal child welfare agency
- The review team shall identify necessary program improvement planning to address any practice issues identified, and training and technical assistance needs of the local agency
- Summary reports of each review shall be provided to the state Child Mortality Review Panel when completed.

### B. Disclosure

**Child fatality:** The definition of child fatality was modified to mean the death of a child from child abuse or neglect.

**Near fatality:** The definition of near fatality was modified to mean a case in which a physician determines that a child is in serious or critical condition as the result of sickness or injury caused by child abuse or neglect.

Public disclosure of the findings and information related to a child fatality or near fatality shall occur, upon request, if:

- A person is criminally charged with having caused the child fatality or near fatality
- A county attorney certifies that a person would have been charged with having caused the child fatality or near fatality but not for that person's death
- A child protection investigation resulted in a determination of child abuse or neglect.

The findings and information disclosed must be done in a written summary that includes:

- The cause and circumstances regarding the child fatality or near fatality
- The age and gender of the child
- Information on any previous reports of child abuse or neglect that are pertinent to the abuse or neglect that led to the child fatality or near fatality
- Information on any previous investigations that are pertinent to the abuse or neglect that led to the child fatality or near fatality
- The results of any investigations described above
- Actions or services provided by the local social service agency on behalf of a child that are pertinent to the child abuse or neglect that led to the child fatality or near fatality
- The results of any review of the state Child Mortality Review Panel, a local child mortality review panel, a local community child protection team or any public agency.

### **III. Out-of-home Care and Northstar Care for Children**

#### **A. Definitions**

**Homeless youth and youth at risk of homelessness:** These definitions have been changed to increase the age from 21 to 24 years of age or younger.

**Best interests of the child:** The definition of best interests of the child means all relevant factors to be considered and evaluated. In the case of an Indian child, best interests of the child includes best interests of an Indian child as defined in Minnesota Statutes, section 260.755, subdivision 2a.

Placement decisions must be based on the best interests of a child. For an Indian child, agencies shall follow the order of placement preferences in the Indian Child Welfare Act of 1978 (ICWA), United States Code, title 25, section 1915.

**Relative:** Changes the definition of relative to include the legal parent, guardian or custodian of a child's siblings. This definition is cross-referenced in several places under section Minnesota Statutes, section 260C.007.

Creates a new definition for relative of an Indian child to mean a person who is a member of the Indian child's family as defined in the Indian Child Welfare Act of 1978. The definition of relative was amended for Indian children to distinguish that the meaning of relative is unique for Indian children. This change clarifies that the child's tribe determines who is defined as a relative for an Indian child. This amendment was cross-referenced to relevant statutes.

The above changes are effective Aug. 1, 2015.

#### **B. Northstar Kinship Assistance: Successor relative custodian**

Northstar Care for Children (Northstar) Kinship Assistance was amended to establish a successor and continue Title IV-E eligibility if a relative custodian receiving Northstar

Kinship Assistance dies or is incapacitated. A relative custodian is permitted to name successors in the benefit agreement. Successors must be adults, who are not a child's legal parent, biological parent, step parent or other adult living in the home with the child's legal, biological or step parent. The successors may be listed in the initial benefit agreement, or an existing benefit agreement may be amended.

The Northstar Kinship Assistance Benefit Agreement in the Social Service Information System (SSIS) has been amended to include successors.

If a relative custodian dies or is incapacitated, the statute was amended to approve temporary assignment of the benefit to the successor for six months. To receive Northstar Kinship Assistance, a successor must:

- Meet background study requirements
- Renegotiate the agreement, including cooperating with a Minnesota Assessment of Parenting for Children and Youth (MAPCY) assessment
- Be ordered by the court to be a child's legal relative custodian
- Satisfy all requirements within one year of a relative custodian's death or incapacity, unless the commissioner of the Minnesota Department of Human Services certifies that the named successor made reasonable attempts to satisfy the requirements.

Minnesota Statutes, section 260C.521, was amended to establish a court process to modify a court order making a successor the legal custodian.

### **C. Northstar Care for Children: Extraordinary level increases**

MAPCY includes a means to add additional levels when a child needs extraordinary care and intense supervision provided by a child's caregiver as part of parental duties. Statute was amended to clarify that a child with extraordinary needs may live in a foster residence setting.

### **D. Northstar Care for Children: State share provision**

The cost of Northstar is shared among the federal government, state, and county agencies of financial responsibility and certain tribes.

The state share provision was amended to remove state budget language no longer needed because it is a budget forecast item.

### **E. Out-of-home placement; plan**

Minnesota Statutes, section 260C.212, subdivision 1, was amended as follows:

- Clarifies requirements for reasonable efforts to finalize adoption and transfer of permanent legal and physical custody to a relative, including documentation that supports the requirements of the kinship placement agreement. The plan includes documentation of the following:
  - Requirements of the kinship placement agreement

- Reasonable efforts to determine that reunification and adoption are not appropriate for a child
  - Reasons why permanent placement with a relative through Northstar Kinship Assistance is in a child's best interest
  - How a child meets eligibility requirements for Northstar Kinship Assistance payments
  - Efforts to discuss adoption with a child's relative foster parent and why the relative parent chose not to pursue adoption, if applicable
  - Efforts to discuss with a child's relative foster parent the transfer of permanent legal and physical custody, or reasons why these efforts were not made.
- Adds provision that permits a child age 14 and older to include two other individuals as part of their case planning team
  - Changes requirements for the independent living plan from age 16 to age 14 and requires regular opportunities to engage in age-appropriate or developmentally appropriate activities typical for a child's age group.

## **F. Relatives and relative search**

**Relative:** The definition of relative was amended to include the legal parent, guardian, or custodian of a child's siblings. This was amended to be consistent with federal language.

This section adds clarification to relative search and notice requirements that all adult grandparents, all legal parents, guardians or custodians of a child's siblings, and other adult relatives suggested by a child's parents, subject to safety exceptions, should be included in the relative search.

## **G. Sibling**

**Sibling:** The definition of sibling was amended to include individuals who would have been considered a sibling but for a termination of parental rights of one or both parents, suspension of parental rights under tribal code, or other disruption of parental rights such as the death of a parent.

This change will impact child welfare practice for reasonable efforts to place siblings together, and visitation, as established in Minnesota Statutes, sections 260.012 (d), and 260C.212, subds 1 and 2.

## **H. Permitting age and developmentally appropriate activities for foster children**

Minnesota Statutes, section 260C.212, subdivision 14, was amended to support a child's emotional and developmental growth by permitting a child to participate in activities or events that are generally accepted as suitable for children of the same age or are developmentally appropriate. Foster parents and residential staff are permitted to allow foster children to participate in extracurricular, social or cultural activities that are typical for

a child's age. This standard is characterized by careful and sensible parenting decisions that maintain a child's health and safety, and are in a child's best interest.

## **I. Content of review**

Minnesota Statutes, sections 260C.203 (d) and (e), and 260C.607, subdivision 4, were amended to change the age for required review of the independent living plan from age 16 to age 14 and older.

Minnesota Statutes, section 260C.203, was also amended by adding tribal enrollment card to documents the agency must assist a youth in obtaining prior to leaving foster care.

## **J. Permanent custody to agency**

Permanency proceedings were amended in Minnesota Statutes, section 260C.515, subdivision 5, to change the minimum legal age a foster child may be ordered into permanent custody of an agency from age 12 to age 16. It removes the reference to younger siblings and the ability to order younger siblings into permanent custody of the agency when the siblings are placed together.

Minnesota Statutes, sections 260C.515, subdivision 5, and 260C.521, were amended to ensure that a foster child is asked about their desired permanency outcome in the permanency hearing and following court reviews.

## **IV. Protecting Missing and Runaway Children and Youth at Risk of Sex Trafficking**

**Sex trafficking victim:** The definition of sex trafficking victim under Minnesota Statutes, section 609.321, subdivision 7b, means a person subjected to the practices in subdivision 7a which means (1) Receiving, recruiting, enticing, harboring, providing, or obtaining by any means an individual to aid in the prostitution of an individual; or (2) Receiving profit or anything of value, knowing or having reason to know it is derived from an act in clause (1).

Minnesota Statutes, section 260C.212, was amended to require the local social service agency to:

- Exeditiously locate any child missing from foster care, including reporting to local law enforcement for entry into the National Crime Information Center (FBI) data base and to the National Center for Missing and Exploited Children.
- Immediately report to law enforcement, no later than 24 hours, information on a missing or abducted child
- Not discharge a child from foster care or close the social services case until all efforts have been exhausted to locate a missing child, and the court terminates an agency's jurisdiction

- Determine the primary factors that contributed to a child's running away or being absent from care and to respond to those factors in current and subsequent placements
- Determine what a child experienced while absent from care, including screening for possible sex trafficking
- Immediately report to local law enforcement, no later than 24 hours, any reasonable cause to believe a child is, or is at risk of being, a sex trafficking victim
- Determine appropriate services if there is reasonable cause to believe a child is, or at risk of being, a sex trafficking victim.

## V. Minnesota Indian Family Preservation Act

The Minnesota Indian Family Preservation Act (Act) was significantly amended to incorporate some provisions of the Tribal/State Agreement. Other related statutes were also amended to fully implement policy changes. The following changes are effective Aug. 1, 2015

### A. Purpose Statement

Indian children are the future of the tribes and are vital to their very existence. A purpose statement was added to Minnesota Statutes, section 260.753 that states the purposes of the Act are to:

- Protect the long-term interests, as defined by the tribes, of Indian children, their families as defined by law or custom, and the child's tribe
- Preserve the Indian family and tribal identity, including understanding that Indian children are damaged if family and child tribal identity and contact are denied.

### B. Definitions

The definitions section of the Act was expanded to include new definitions and amend some existing definitions.

**Active efforts:** Active efforts means a rigorous and concerted level of effort that is ongoing throughout the involvement of the local social services agency to continuously involve the Indian child's tribe and that uses the prevailing social and cultural values, conditions, and way of life of the Indian child's tribe to preserve the Indian child's family and prevent placement of an Indian child and, if placement occurs, to return the Indian child to the child's family at the earliest possible time. Active efforts sets a higher standard than reasonable efforts to preserve the family, prevent breakup of the family, and reunify the family, according to section 260.762. Active efforts includes reasonable efforts as required by Title IV-E of the Social Security Act, United States Code, title 42, sections 670 to 679c.

**Best interests of an Indian child:** Best interests of an Indian child means compliance with the ICWA and the Minnesota Indian Family Preservation Act to preserve and maintain an Indian child's family. The best interests of an Indian child support a child's sense of

belonging to family, extended family and tribe. The best interests of an Indian child are interwoven with the best interests of an Indian child's tribe.

**Indian child:** The definition of Indian child was amended to clarify that a determination by a tribe that a child is a member of an Indian tribe, or is eligible for membership in an Indian tribe, is conclusive. Definition of Indian child was also amended to include a person up to age 21 for purposes of implementing chapters 256N, 259A, 260C and 260D.

**Parent:** Definition of parent of Indian child was amended to include a father as defined by tribal law or custom, and clarifies that paternity has been acknowledged when an unmarried father takes action to hold himself out as the biological father of an Indian child.

**Qualified expert witness:** Qualified expert witness means an individual who:

- Has specific knowledge of the Indian child's tribe's culture and customs, or meets the criteria in Minnesota Statutes, section 260.771, subdivision 6, paragraph (d)
- Provides testimony as required by ICWA, regarding out-of-home placement or termination of parental rights relating to an Indian child.

**Relative of an Indian child:** The definition of relative was amended for Indian children to distinguish that the meaning of relative is unique for Indian children. This change clarifies that a child's tribe determines who is defined as a relative for an Indian child. This amendment was cross-referenced to relevant statutes.

## **C. Inquiry of tribal lineage**

This new section replaces language in the determination of Indian child's tribe section of the Act. Local social services agencies are required to inquire of a child, their parents and custodians, and other appropriate persons, whether there is reason to believe that a child brought to an agency's attention may have lineage to an Indian tribe. This inquiry shall occur at the time a child comes to the attention of a local social services agency.

## **D. Agency and court notice to tribes**

To ensure early identification of Indian children and early involvement by a child's tribe, significant changes were made to agency and court notice requirements to tribes:

- Local child welfare agencies shall provide immediate notice to an Indian child's tribe when an agency has reason to believe the Family Assessment or Investigation may involve an Indian child. Immediate notice means within 24 hours.
- Initial notice shall be provided by phone and email/fax. A local social services agency shall request that the tribe or a designated tribal representative participate in evaluating family circumstances, identifying family and tribal community resources, and developing case plans.

When a local social services agency has information that a child receiving services may be an Indian child, it shall notify the tribe by phone and email/fax, including name and date of birth of the:

- Child
- Child's biological parents
- Child's grandparents
- Child's Indian custodian.

This notification must be provided so the tribe can determine if the child is enrolled in the tribe, or eligible for membership, and must be provided within seven days. If information regarding a child's grandparents or Indian custodian is not available within the seven-day period, the local social services agency shall continue to request this information and notify the tribe when it is received. Notice shall be provided to all tribes to which a child may have a tribal lineage. If the identity or location of a child's parent or Indian custodian and tribe cannot be determined, the local social services agency shall provide the notice required in this paragraph to the United States Secretary of the Interior.

In accordance with Minnesota Statutes, sections 260C.151 and 260C.152:

- When a court has reason to believe that a child placed in emergency protective care is an Indian child, the court administrator or a designee shall, as soon as possible and before a hearing takes place, notify the tribal social services agency by phone and email/fax, of the date, time, and location of the emergency protective case hearing. The court shall make efforts to allow appearances by phone for tribal representatives, parents and Indian custodians.
- A local social services agency must provide the notices at the earliest possible time to facilitate involvement of an Indian child's tribe. Nothing in this subdivision is intended to hinder the ability of a local social services agency and the court to respond to an emergency situation. Lack of participation by a tribe shall not prevent the tribe from intervening in services and proceedings at a later date. A tribe may participate at any time.
- At any stage of a local social service agency's involvement with an Indian child, the agency shall provide full cooperation to the tribal social services agency, including disclosure of all data concerning the Indian child. Nothing in this subdivision relieves a local social services agency of satisfying the notice requirements in the Indian Child Welfare Act.

## **E. Duty to prevent out-of-home placement and promote family reunification; Active efforts**

This new section of the Act provides guidance and clarification of active efforts requirements and findings when working with an Indian child.

### **Active efforts**

Active efforts includes acknowledging traditional helping and healing systems of an Indian child's tribe and using these systems as the core to help and heal a child and family.

Local social service agencies are required to:

- Work with an Indian child's tribe and family to develop an alternative plan to out-of-home placement
- Seek guidance from an Indian child's tribe on family structure, how the family can seek help, what family and tribal resources are available, and what barriers a family faces that could threaten preservation before making a decision that may affect an Indian child's safety and well-being, or when contemplating out-of-home placement of an Indian child
- Request participation of an Indian child's tribe at the earliest possible time, and request the tribe's active participation throughout the case.

A court shall not order an out-of-home or permanency placement for an Indian child unless the court finds that the local social services agency made active efforts to an Indian child's family. In determining whether a local social services agency made active efforts for purposes of out-of-home placement and permanency, the court shall make findings regarding whether the following activities were appropriate, and whether a local social services agency made appropriate and meaningful services available to a family based on that family's specific needs and whether the local social services agency:

- Made efforts at the earliest point possible to (i) Identify whether a child may be an Indian child as defined in ICWA and (ii) Identify and request participation of the Indian child's tribe at the earliest point possible and throughout the investigation or assessment, case planning, provision of services and case completion.
- Requested that a tribally designated representative with substantial knowledge of prevailing social and cultural standards and child-rearing practices within the tribal community, evaluate the circumstances of an Indian child's family and assist in developing a case plan that uses tribal and Indian community resources.
- Provided concrete services and access to both tribal and nontribal services to members of an Indian child's family in an ongoing manner throughout the agency's involvement with the family, directly assisted the family in accessing and utilizing services to maintain the Indian family, or reunified an Indian family as soon as safety can be assured if out-of-home placement has occurred. Services include, but are not limited to:
  - Financial assistance
  - Food
  - Housing
  - Health care
  - Transportation
  - In-home services
  - Community support services
  - Specialized services.
- Notified and consulted with an Indian child's extended family members, as identified by the child, their parents, or the tribe; whether extended family members were consulted to:
  - Provide support to the child and parents
  - Inform the local social services agency and court as to cultural connections and family structure

- Assist in identifying appropriate cultural services and supports for the child and parents
  - Identify and serve as a placement and permanency resource for the child, and if there was difficulty contacting or engaging with extended family members, was assistance sought from the tribe, the department, or other agencies with expertise in working with Indian families.
- Provided services and resources to relatives who are considered the primary placement option for an Indian child, as agreed by the local social services agency and the tribe, to overcome barriers to providing care to an Indian child. Services and resources shall include, but are not limited to:
  - Child care assistance
  - Financial assistance
  - Housing resources
  - Emergency resources
  - Foster care licensing assistance and resources.
- Arranged for visitation to occur, whenever possible, in the home of an Indian child's parent, Indian custodian, or other family member, or in another noninstitutional setting, to keep a child in close contact with parents, siblings, and other relatives regardless of a child's age, and to allow a child and those with whom they visit to have natural, unsupervised interaction, when consistent with protecting a child's safety.
- Consulted with a tribal representative to determine and arrange for visitation in the most natural setting that ensures a child's safety, when a child's safety requires supervised visitation.

## **F. Transfer of proceedings**

This section was amended to add language to allow for transfer of child custody proceedings from district court to tribal court at any point in a proceeding for the purpose of finalizing a permanency plan.

## **G. Good cause to deny transfer**

Establishing good cause to deny transfer of jurisdiction to a tribal court is a fact-specific inquiry to be determined on a case-by-case basis. The party opposed to transfer of jurisdiction to a tribal court has the burden to prove by clear and convincing evidence that good cause to deny transfer exists. Opposition to a motion to transfer jurisdiction to tribal court must be in writing and be served upon all parties. The court may find good cause to deny transfer to tribal court if:

- An Indian child's tribe does not have a tribal court or other administrative body of a tribe vested with authority over child custody proceedings, as defined by ICWA, to which the case can be transferred, and no other tribal court has been designated by an Indian child's tribe.
- The evidence necessary to decide the case could not be adequately presented in a tribal court without undue hardship to the parties or the witnesses, and a tribal court is unable to mitigate hardship by any means permitted in the tribal court's rules. Without evidence of undue hardship, travel distance alone is not a basis for denying a transfer.

## **H. Qualified expert witness and evidentiary requirements**

The testimony of a qualified expert witness is required in an involuntary foster care placement and termination of parent rights proceedings, as follows:

- **Involuntary foster care proceeding:** Required testimony from a qualified expert witness that continued custody by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child as defined in ICWA
- **Termination of parental rights proceeding:** The court must determine by evidence beyond a reasonable doubt, including testimony of a qualified expert witness, that continued custody of a child by their parent or Indian custodian is likely to result in serious emotional or physical damage to the child, as defined in ICWA.

A local social services agency, or any other party, must make diligent efforts to locate and present to the court a qualified expert witness designated by an Indian child's tribe. The qualifications of a qualified expert witness designated by a child's tribe are not subject to challenge in Indian child custody proceedings.

If a party cannot obtain testimony from a tribally designated qualified expert witness, the party shall submit to the court diligent efforts made to obtain a tribally designated qualified expert witness.

If clear and convincing evidence establishes that a party's diligent efforts cannot produce testimony from a tribally designated qualified expert witness, the party shall demonstrate to the court that a proposed qualified expert witness is, in descending order of preference:

- (1) A member of the child's tribe who is recognized by the Indian child's tribal community as knowledgeable in tribal customs as they pertain to family organization and child-rearing practices
- (2) An Indian person from an Indian community who has substantial experience in the delivery of child and family services to Indians and extensive knowledge of prevailing social and cultural standards and contemporary and traditional child-rearing practices of the Indian child's tribe.

The court is encouraged to allow alternative methods of participation and testimony in state court proceedings by a qualified expert witness, such as telephone or video conferencing.

## **I. Deviation from the order of placement preference**

The court must follow the order of placement preferences required by ICWA when placing an Indian child.

The court may place a child outside the order of placement preferences only if it determines there is good cause based on the:

- Reasonable request of an Indian child's parents, if one or both have reviewed the placement options that comply with the order of placement preferences
- Reasonable request of an Indian child if they are able to understand and comprehend the decision being made
- Testimony of a qualified expert designated by a child's tribe that supports placement outside the order of preference due to a child's extraordinary physical or emotional needs that require highly specialized services
- Testimony by the local social services agency that a diligent search has been conducted that did not locate any available, suitable families for a child that meet placement preferences.

Testimony of a child's bonding or attachment to a foster family alone, without the existence of at least one of the factors listed above, shall not be considered good cause to keep an Indian child in a lower preference or nonpreference placement.

If the court finds there is good cause to place outside the order of placement preference, it must make written findings.

A good cause finding under this subdivision must consider whether active efforts were provided to extended family members who are considered the primary placement option to assist them in becoming a placement option for a child, as required by Minnesota Statutes, section 260.762.

When a child is placed outside the order of placement preference, good cause to continue this placement must be determined at every stage of the proceedings.

## **J. Placement decisions based on best interests of a child**

The local social services agency is required to follow the order of placement preference listed in ICWA.

## **K. Compliance with Indian Child Welfare Act and Minnesota Indian Family Preservation Act**

The Minnesota Indian Family Preservation Act was added to this section so chapter 260C is consistent with state and federal child welfare laws.

## **L. Tribal customary adoption**

This amendment allows the commissioner of the Minnesota Department of Human Services to contract directly with Minnesota tribal agencies to provide child-specific recruitment and adoption placement services for children and youth under jurisdiction of a tribal court. This amendment will support Minnesota tribal agencies in performance of this service, where recruitment resources are otherwise unavailable.

## **VI. Workforce Development and Minnesota Department of Human Services Oversight**

### **A. Background checks for child protection workers**

Changes to background studies include:

- Background studies must be done for child protection or child welfare staff hired on or after July 1, 2015, or current child protection or child welfare staff assigned new child protection duties on or after July 1, 2015.
- Background studies must be initiated before an individual begins a position allowing direct contact with persons served by the agency. Counties can complete background studies by using the department's NetStudy 2.0 system, or by an alternative process defined by the county.
- The department must complete background studies when requested by a county social service or local welfare agency. The department shall not make a disqualification decision, but will provide the study information to the county. Fees of no more than \$20 per study will be collected to recover the cost of background studies for the department.

### **B. Training for supervisors**

The department will provide competency-based initial training, support and continuing education for child protection supervisors. The competencies will be specific to the necessary knowledge, skills and attitudes needed of supervisors. The training will emphasize and improve skills that promote a client's culture and ability to integrate a client's traditions, customs, values, and faith into service delivery.

### **C. Quality assurance for screening reviews**

The department will provide oversight and guidance to county agencies on screening practices and decisions to ensure:

- Consistent application of screening guidelines
- Thorough and appropriate screening decisions
- Correct documentation and maintenance of reports.

Quality assurance reviews must begin no later than Sept. 30, 2015. An annual public report of the summary results of the reviews must be published and provided to the legislative committee that has jurisdiction over child protection issues.

### **D. Revised child maltreatment screening guidelines and training**

The department will update the child maltreatment screening guidelines by Oct. 1, 2015 to:

- Require agencies to consider prior reports that were not screened in when determining whether a new report will or will not be screened in

- Emphasize that intervention and prevention efforts are to focus on child safety and ongoing risk of child abuse or neglect
- Ensure health and safety of children is paramount.

The department will work with a diverse group of community representatives with expertise on limiting cultural and ethnic bias. The guidelines must be developed in such a way as to reduce system bias for screening and assessment tools.

By Nov. 1, 2015, the guidelines must be published and distributed, and all agency staff must have been trained. Agency staff must implement guidelines by Jan. 1, 2016.

## **VI. Grants and Funding**

### **A. Disparities reduction grants**

A competitive grant fund program was established for local or regional projects to address child welfare racial disparities and disproportionality in the child welfare system. The program will identify and address:

- Structural factors
- Strategies to reduce disparities
- Use of a cultural lens in case planning
- Service design and decision-making processes
- Use of placement and reunification strategies to maintain family relationships and connections
- Efforts to divert families from the child welfare system, whenever possible.

The department will award grant funds using a community partnership approach with key culturally specific stakeholders and the legislative task force on child protection.

Measureable outcomes will be used to determine the effectiveness of grants in reducing disparities. Administrative costs will be limited in grant awards.

Eligible applicants include, but are not limited to:

- Counties
- Tribes
- Community non-profit agencies
- Faith-based organizations
- Social service organizations.

Grants will be prioritized as to proposals' use of evidence-based, community-based and culturally appropriate approaches. An evaluation of outcomes will be conducted and reported to the legislative task force on child protection.

### **B. American Indian Child Welfare Initiative**

Language was amended to clarify the commissioner of the Minnesota Department of Human Services' authority to authorize participating tribes to use alternative methods of

investigating and assessing child protection reports and processes for reconsideration and appeals in cases of child maltreatment.

This change is effective Aug. 1, 2015.

### **C. Child protection funding**

Funding for child protection is provided at \$23,350,000 in both fiscal years 2016 and 2017 to address child protection staffing and services under Minnesota Statutes, section 256M.41. Funding for child protection grants to address child welfare disparities are \$1,650,000 in both fiscal years 2016 and 2017 under Minnesota Statutes, section 256E.28.

State funds will be allocated to each county board on a calendar-year basis using the following formula:

- 50 percent must be distributed on the basis of the child population residing in a county, as determined by the most recent data of the state demographer
- 25 percent must be distributed on the basis of the number of screened-in reports of child maltreatment under sections 626.556 and 626.5561, and in the county as determined by the most recent data
- 25 percent must be distributed on the basis of the number of open child protection case management cases in the county, as determined by the most recent data.

No county will receive less than \$75,000 each year. The funds must be used to address staffing of child protection or expanding child protection services. An updated formula will be evaluated by the department beginning in fiscal year 2018. Payments based on performance will also be made using performance outcomes of timely face-to-face contact with alleged child victims, and monthly face-to-face visits by case managers to children in foster care, or children receiving child protection services while residing in their own home.

More specific instructions on child protection funding allocations will be issued in a separate bulletin.

A legislative task force on child protection will convene and remain through the 2016 legislative session to:

- Review implementation efforts of recommendations of the Governor's Task Force on the Protection of Children
- Review roles and functions of the Office of Ombudsperson for Families
- Expand efforts into related areas of the child welfare system
- Work with the department and community partners to establish and evaluate disparities reduction grants
- Identify additional child welfare systemic areas that need addressing by the legislature.

A report must be submitted by the department to the legislature and the governor by Feb. 1, 2016.

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July 1, 2015

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## **Americans with Disabilities Act (ADA) Advisory**

This information is available in accessible formats for people with disabilities by calling (651) 431-4670 (voice) or by using your preferred relay service. For other information on disability rights and protections, contact the agency's ADA coordinator.

## Appendix A: Cross-references

Cross-references were changed due to renumbering as follows:

For the out-of-home placement; plan:

- Minnesota Statutes, section 260C.212, subdivision1(c) (7) was renumbered to Minnesota Statutes, section 260C.212, subdivision1(c) (8).
- Minnesota Statutes, section 260C.212, subdivision1(c) (8) was renumbered to Minnesota Statutes, section 260C.212, subdivision1(c) (9).
- Minnesota Statutes, section 260C.212, subdivision1(c) (9) was renumbered to Minnesota Statutes, section 260C.212, subdivision1(c) (10).
- Minnesota Statutes, section 260C.212, subdivision1(c) (10) was renumbered to Minnesota Statutes, section 260C.212, subdivision1(c) (11).
- Minnesota Statutes, section 260C.212, subdivision1(c) (11) was renumbered to Minnesota Statutes, section 260C. 212, subdivision1(c) (12).
- Minnesota Statutes, section 260C.212, subdivision1(c) (12) was renumbered to Minnesota Statutes, section 260C.212, subdivision1(c) (13).

For the independent living plan to Minnesota Statutes, section 260C.212 subdivision1(c) (12) in the following sections:

- Cost of Care, Minnesota Statutes, section 260C.331, subdivision 1 (b)
- Foster Care Benefits Past Age 18, Minnesota Statutes, section 260C.451, subdivisions. 2 and 6

For re-entering foster care and accessing services after age 18:

- Minnesota Statutes, section 260C.451, subdivision 6, cross-references the renumbering change from Minnesota Statutes, 260C.212, subdivision1(c)(11) to Minnesota Statutes, section 260C.212, subdivision1(c)(12).



Minnesota Department of **Human Services**

## Chart of 2015 Minnesota Child Welfare Legislative Changes

June 2015

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651-297-1114

Row	Chapter 71, Art 1	Sec	Chapter 78, Art 1	Sec	Brief description
<b>Human Services Licensing</b>					
1			245A.035, subd. 1 Emergency Relative Placement	4	Adds cross reference to new definition of relative for an Indian child at <i>Minn. Stat. 260C.007, subd. 26b</i>
2			245A.035, subd 5 Emergency Relative Placement	5	Adds cross reference to new definition of relative for an Indian child at <i>Minn. Stat. 260C.007, subd. 26b</i>
<b>Human Services Background Studies</b>					
3			245C.22, subd. 7	6	Adds cross reference to new definition of relative for an Indian child at <i>Minn. Stat. 260C.007, subd. 26b</i>
4	245C.03,	4			Adds new subdivision 11 which permits background studies by commissioner for child protection/child welfare staff when requested by the agency
5	245C.04,	5			Adds new subdivision 10 which permits background studies by commissioner for child protection/child welfare staff when requested by the agency
6	245C.10	6			Authorizes commissioner to charge providers of group residential housing or supplementary services for background studies – effective July 1, 2016
7	245C.10	7			Adds new subdivision 12 which authorizes commissioner to charge counties for background studies of staff
<b>Human Services</b>					
8	256.01 Adds new Subd 12a	8			Establishes child fatality and near fatality review team, establishes duties, including duty to lead and conduct and on-site review with local agencies. Makes summary reports available to state child mortality review panel

Row	Chapter 71, Art 1	Sec	Chapter 78, Art 1	Sec	Brief description
9			256.01, subd. 14b	7	Authorizes commissioner to authorize tribes involved in the American Indian child welfare projects authorized under Chapter 256 to use alternative methods of investigating, assessing and processes for reconsideration and appeal in cases of child maltreatment
<b>Community Social Services</b>					
10	256E.28	12			Creates disparities grant program
<b>Services for Homeless Families and Youth</b>					
11	256K.45, subd. 1a	44			Amends definition of “homeless youth” to increase the age from 21 to 24 Amends definition of “youth at risk of homelessness” to increase the age from 21 to 24
12	256K, subd. 6	45			Grants for homeless youth services capacity building
<b>Vulnerable Children and Adult</b>					
13	256M.41	46			Child protection grant allocation
<b>Northstar Care for Children</b>					
14			256N.02, subd. 18	8	Definition of relative for Indian child cross references ICWA and includes extended family, Indian custodian, and parent of the Indian child
15	256N.22, subd 9	47			Adds incapacity of relative custodian or termination of the order as reason to terminate kinship assistance agreement
16	256N.22, subd. 10	48			Provides procedures for assigning a successor custodian for Northstar kinship assistance agreement
17			256N.23, subd. 6	9	Cross references definition of relative for Indian children for Northstar
18	256N.24, subd. 4	49			Amends extraordinary levels of Northstar to include “foster residence setting”
19	256N.25, subd. 1	50			Adds changes necessary to implement “successor relative custodian” requirements
<b>Children; Custody (includes Relative Custody Assistance)</b>					
20			257.85, subd. 3	10	Adds cross reference to new definition of relative for an Indian child at <i>Minn. Stat. 260C.007, subd. 26b</i> in legacy relative custody assistance provision
<b>Adoption Assistance</b>					
21			259A.01, subd. 25	11	Modifies definition of relative for Indian child and cross references ICWA, includes extended family, Indian custodian, and parent of the Indian child
22			259A.10, subd. 6	12	Cross reference definition of relative for Indian child
23	256N.75	54			Amendments related to purchase of services by commissioner related to tribal adoptions
<b>Minnesota Indian Family Preservation Act</b>					
24			260.753	13	Amends purpose statement of <i>MIFPA</i>

Row	Chapter 71, Art 1	Sec	Chapter 78, Art 1	Sec	Brief description
25			260.755, adds subd. 1a.	14	Provides definition of active efforts
26			260.755, adds subd. 2a	15	Provides definition of best interests of an Indian child
27			260.755, subd. 8	16	Adds clarification that determination of membership or eligibility by tribe is conclusive
28			260.755, subd. 14	17	Makes definition of parent of Indian child consistent with <i>ICWA</i> ; adds "Paternity has been acknowledged when an unmarried father takes any action to hold himself out as the biological father of an Indian child." (from Tribal State Agreement)
29			260.755, adds subd. 17a	18	Provides definition of qualified expert witness
30			260.761, subd. 1	19	Changes local agency's duty to duty to inquire of lineage to an Indian tribe
31			260.761, subd. 2	20	Provides: (a) Clarification of duty to notify tribes when agency is conducting child protection family assessment or investigation – notice by phone or email/facsimile; request tribe to participate (b) Notice requirement when an Indian child is receiving services (c) Court notification duties for emergency protective care hearings; make allowances for appearances by telephone for tribal reps, parents, and Indian custodians (d) For notice as early as feasible; does not replace required <i>ICWA</i> notice
32			260.762	21	Adds a new section on active efforts requirements and required court findings
33			260.771, subd. 3	22	Provides for transfer of proceedings to tribal court at any point in the proceeding
34			260.771, added subd. 3a	23	Sets out "good cause" to deny transfer requirements
35			260.771,	24	Sets out qualified expert witness requirements and findings
36			260.771, new subd. 7	25	Addresses required <i>ICWA</i> order of placement preference; establishes provisions for good cause to deviate from placement preferences including process and findings
<b>Delinquency</b>					
37			260B.007, subd. 12	26	Modifies definition of relative of Indian child to add Indian child's family and cross-references <i>ICWA</i> definitions
<b>Juvenile Safety and Placement</b>					

Row	Chapter 71, Art 1	Sec	Chapter 78, Art 1	Sec	Brief description
38			260C.007, adding new subd. 26b.	27	Adds definition of relative of an Indian child
39	260C.007, subd. 27	55	260C.007, subd. 27	28	Deletes reference to Indian child in definition of relative (added new definition as subd. 26b) Adds: legal parent, guardian, or custodian of the child's siblings," to definition of "relative under 260C.007, subd. 27
40	260C.007, subd. 32	56			Amends definition of sibling to include an individual who would have been considered a sibling, but for a termination of parental rights of one or both parents, suspension of parental rights under tribal code, or other disruption of parental rights such as death of a parent
41			260C.168	29	Compliance with <i>ICWA</i> and <i>MIFPA</i> required
42			260C.178, subd. 1	30	Adds cross reference to active efforts definition to emergency protective care hearing requirements
43			260C.201, subd. 5	31	Adds cross-reference to definition of Indian child's relative in regard to visitation
44	260C.203	57			Changes age for required reviews of the independent living plan from 16 to age 14 Adds tribal enrollment identification card to list of documents the responsible agency has a duty to assist the child in obtaining
45	260C.212, subd. 1	58	260C.212, subd. 1	32	Adds cross-reference to definition of Indian child's relative in regard to visitation Adds provision that permits a child age 14 and older to include two other individuals on the team preparing the child's out-of-home placement plan Clarifies requirements for reasonable efforts to finalize: <ul style="list-style-type: none"> <li>• Adoption; and</li> <li>• Permanent legal and physical custody to a relative in the out-of-home placement plan including documentation that supports the requirements of the kinship placement agreement</li> </ul> Changes requirements for independent living plan from age 16 to age 14 and requires regular opportunities to engage in age-appropriate or developmentally appropriate activities typical for the child's age group
46			260C.212, subd. 2	33	Adds requirement to comply with placement preferences of <i>ICWA</i> And adds new (11) to placement considerations which cross-references definition of best interests for an Indian child
47	260C.212, adds new subd. 13	59			Sets out requirement to expeditiously locate any child missing from foster care including reporting to local law enforcement for entry of the child into National Crime Information Center (FBI) and to the National Center for Missing and Exploited Children

Row	Chapter 71, Art 1	Sec	Chapter 78, Art 1	Sec	Brief description
					Prohibits the agency from discharging a child from foster care or closing the social services file until diligent efforts have been exhausted and the court terminates the agency's jurisdiction Requires the agency to determine the factors leading to running away and to respond to those factors in current and subsequent placements Requires the agency to determine what the child experienced while absent including screening for possible sex trafficking Requires the agency to report within 24 hours any reasonable cause to believe a child is, or is at risk of being, a sex trafficking victim Requires the agency to determine appropriate services for sex trafficked child
48	260C.212, new sub. 14	60			Requires the agency to support a child's emotional and developmental growth by permitting the child to participate in activities or events that are generally accepted a suitable for children of the same age or are developmentally appropriate Foster parents are permitted to allow foster children to participate in extracurricular, social, or cultural activities that are typical for the child's age by applying reasonable and prudent parenting standards. Characterizes "reasonable and prudent" parent standard
49	260C.221	61			Adds clarification to relative search requirements that all adult grandparents, all legal parents, guardians or custodian, the child's siblings, and any other adult relatives suggested by the child's parents, subject to safety exceptions, should be included in the relative search. <i>[See definition of relative at row 40 of this chart; intent of the legislature was to add requirement that the agency search for relatives as described above, including custodians of the child's siblings]</i>
50			260C.511 add (a)	34	Adds that best interests of an Indian child includes best interests as defined in <i>Minn. Stat. 260.755, subd. 2a. (new)</i>
51	260C.515, subd. 5	65			Changes the age at which the court can order permanent custody to the agency from 12 to 16; deletes ability to order younger siblings into the permanent custody of the agency
52	260C.521, subd. 1	66			Adds provision to required annual permanency reviews for children in the permanent custody of the agency which requires that the child has been asked about the child's desired permanency outcome
53	260C.521, subd. 2	67			Adds procedures for modifying and order for permanent legal and physical custody to a relative when a relative is incapacitated or dies which permits the successor custodian named in the kinship assistance benefit agreement to file a request to modify the order;

Row	Chapter 71, Art 1	Sec	Chapter 78, Art 1	Sec	Brief description
					Permits the court to modify the order upon reviewing the AWBS and upon finding the modification in the child's best interests
54	260C.607, subd. 4	68			Modifies the requirements for court review of independent living planning for children under state guardianship from age 16 to age 14
<b>Reporting of Maltreatment of Minors</b>					
55	626.556, subd. 1 as amended by Minnesota Session Laws, Chapter 4 (effective March 17, 2015)	88			Makes health and safety of children paramount Deletes family assessment as a preferred response; Prohibits family assessment for reports of sexual abuse or substantial child endangerment
56	626.556, subd. 2	89			Continues requirement that sexual abuse requires an investigation Deletes requirement that certain actions must be done in anger or without regard to the safety of the child: <ul style="list-style-type: none"> <li>(1) throwing, kicking, burning, biting, or cutting a child;</li> <li>(2) striking a child with a closed fist;</li> <li>(3) shaking a child under age three;</li> <li>(4) striking or other actions which result in any nonaccidental injury to a child under 18 months of age;</li> <li>(5) unreasonable interference with a child's breathing;</li> <li>(6) threatening a child with a weapon, as defined in section <a href="#">609.02, subdivision 6</a>;</li> <li>(7) striking a child under age one on the face or head;</li> <li>(8) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled substances which were not prescribed for the child by a practitioner, in order to control or punish the child; or other substances that substantially affect the child's behavior, motor coordination, or judgment or that results in sickness or internal injury, or subjects the child to medical procedures that would be unnecessary if the child were not exposed to the substances;</li> <li>(9) unreasonable physical confinement or restraint not permitted under section <a href="#">609.379</a>, including but not limited to tying, caging, or chaining; or</li> <li>(10) in a school facility or school zone, an act by a person responsible for the child's care that is a violation under section <a href="#">121A.58</a></li> </ul> And adds as new (8): <u>striking a child who is at least age one, but under age four on the face or head, which results in an injury.</u>

Row	Chapter 71, Art 1	Sec	Chapter 78, Art 1	Sec	Brief description
					Modifies definition of report to <u>any communication that describes neglect or physical or sexual abuse of a child and contains sufficient content to identify the child and any person believed to be responsible for the neglect or abuse, if known.</u>
57	626.556, subd. 3	90			Deletes cross-reporting requirements from subd. 3 (cross-reporting provisions are moved to subd. 10) Adds tribal social services and police as an entity to which reporters can make reports
58	626.556, subd. 6a	91			Aligns required disciplinary action for failure to cross-report with new cross references
59	626.556, subd. 7	92			Reformats to provide break in sections to make sections easier to read; Requires consideration of all relevant previous history, including reports that were screened out. Collateral contact with treating professionals and individuals is permitted under subd. 10 (i) clause (3) which includes: child's caretakers, including the child's parent, guardian, foster parents, child care provider, teachers, counselor, family members, relatives, and other persons who may have knowledge regarding the alleged maltreatment and care of the child; In addition to informing reporters whether report was accepted, this section requires a summary of disposition of report be provided to mandated reporters including: <ul style="list-style-type: none"> <li>• whether case has been opened for CP services; or</li> <li>• a referral has been made to a community organization</li> </ul> -unless disclosure would be detrimental to the best interests of the child Also requires concise summary be provided to voluntary reporters <i>on request</i> unless release would be detrimental to the best interests of the child Addressed records retention: Screened out reports can be used to make an offer of services and may consider prior reports, including screened out reports to determine whether an investigation or assessment will be conducted
60	626.556, adds new subd. 7a	93			Requires agencies to follow child protection screening guidelines issued by DHS Prohibits counties from modifying screening guidelines unless preapproved by DHS and provides that modifications must be more protective of children and proposed after consultation with the agency's county attorney

Row	Chapter 71, Art 1	Sec	Chapter 78, Art 1	Sec	Brief description
61	626.556, subd. 10	94	626.556, subd. 10	36	Requires local welfare agency to notify an Indian child's tribe when the agency has reason to believe a family assessment or investigation may involve an Indian child Amended to require immediate cross-reporting by both law enforcement and the agency; cross-reporting shall be orally and in writing; each entity has to designate a person responsible for ensuring cross-reporting; when maltreatment is reported on tribal land, local agency and police shall notify tribal social services and tribal law enforcement orally and in writing Requires investigations for sexual abuse as well as substantial child endangerment Permits asking for prior maltreatment reports that were screened out
62	626.556, subd. 10e	95			Deletes counties' authority to implement more detailed definitions or criteria when approved by the county's board
63	626.556, subd 10j	96			Requires agencies to provide private data to a mandated reporter making a report and who has ongoing responsibility for the health, education, or welfare of a child affected by the data unless providing the data would not be in the child's best interests. Permits agencies to provide private data to other mandated reporters with ongoing responsibility for the health, education, or welfare of the child. Requires reporters receiving private data to continue to treat it as private data.
64	626.556, sbud. 10m.	97			Requires the agency to consult with the county attorney about filing a CHIPS petition if: <ol style="list-style-type: none"> <li>(1) The family doesn't accept or comply with a plan for child protective services;</li> <li>(2) Voluntary child protective services may not provide sufficient protection for the child; or</li> <li>(3) The family is not cooperating with an investigation or assessment.</li> </ol>
65	626.556, subd 11c	98			Modifies retention requirements for screened out reports , family assessment cases, and investigation cases which did not result in a maltreatment determination or determination of the need for child protective services to 5 years from the date the report was not accepted or the final entry in the case Requires that records of screened out reports contain information to identify the subject of the report, the nature of the alleged maltreatment, and the reasons why the report was not accepted Deletes provision requiring retention of screened out reports for 365 days

Row	Chapter 71, Art 1	Sec	Chapter 78, Art 1	Sec	Brief description
66			626.556, subd. 11d	37	Changes terminology used for child fatality and near fatality Clarifies responsibility to disclose data relating to child fatality or near fatality to the public upon request Outlines what must be disclosed
67	626.556, adds new subd 16	99			Establishes commissioner's duty to provide quality assurance reviews of screening practices and decisions beginning 9-30-2015 Requires Commissioner to produce an annual report
68	626.559 adds new subd. 1b.	100			Mandates background studies for county child protection and child welfare employees hired or given new child protection duties on or after 7-1-2015 using either: <ul style="list-style-type: none"> <li>(1) NetStudy 2.0; or</li> <li>(2) An alternative process defined by the county</li> </ul> Study has to be done before direct contact with persons served by the agency.
<b>Commissioner's Duties and Legislative Task Force</b>					
69		122			Requires commissioner to update screening guidelines focusing on child safety and ongoing risk. Guidelines will be distributed by November 1, 2015 with implementation by agencies January 1, 2016.
70		123			Requires commissioner to establish requirements for competency based initial training, support and continuing education for child protection supervisors
71		124			Requires commissioner to evaluate formulas in <i>Chapter 256M</i> in order to update and make more equitable distributions for state fiscal year 2018.
72		125			Establishes a Legislative Task Force on Child Protection to: <ul style="list-style-type: none"> <li>(1) Review implementation of Governor's Task Force recommendations;</li> <li>(2) Expand into related areas of child welfare;</li> <li>(3) perform other tasks</li> </ul> Sunsets at the end of 2016 Session