

**SENATE**  
**STATE OF MINNESOTA**  
**NINETIETH SESSION**

**S.F. No. 3228**

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DATE	D-PG	OFFICIAL STATUS
03/12/2018		Introduction and first reading Referred to Human Services Reform Finance and Policy

1.1 A bill for an act  
1.2 relating to children; establishing pilot projects on relative foster care licensing and  
1.3 child protection; requiring reports; amending Minnesota Statutes 2016, section  
1.4 626.556, by adding a subdivision; proposing coding for new law in Minnesota  
1.5 Statutes, chapter 245A.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. **[245A.71] BACKGROUND STUDIES FOR RELATIVE FOSTER CARE**  
1.8 **LICENSING.**

1.9 Subdivision 1. **Background studies for relative foster care licensing.** (a) For relatives  
1.10 applying for a child foster care license, the commissioner shall use the disqualification  
1.11 provisions of section 256N.22, subdivision 4, in lieu of the disqualification provisions in  
1.12 section 245C.15. For purposes of this section, "relative" is defined under section 260C.007,  
1.13 subdivision 27.

1.14 (b) This subdivision is effective the day after subdivision 2 expires.

1.15 Subd. 2. **Pilot project.** (a) The commissioner, along with a cohort of counties as described  
1.16 in paragraph (b), shall establish a pilot project to align background study provisions across  
1.17 child foster care, adoption assistance, and kinship care assistance. As part of the pilot project,  
1.18 for relatives applying for a child foster care license in the counties described in paragraph  
1.19 (b), the commissioner shall use the disqualification provisions of section 256N.22,  
1.20 subdivision 4, in lieu of the disqualification provisions in section 245C.15. For purposes of  
1.21 this section, "relative" is defined under section 260C.007, subdivision 27.

1.22 (b) The commissioner shall choose a small cohort of counties to participate in the pilot  
1.23 project, and must include Hennepin County.

2.1 (c) The commissioner and the cohort counties shall use federal measures for identifying  
2.2 child safety and permanency outcomes experienced by children in out-of-home placement  
2.3 for those children placed in relative foster homes with background studies completed pursuant  
2.4 to this section.

2.5 (d) The commissioner, in consultation with the cohort counties, shall submit a report to  
2.6 the legislature on the child safety and permanency outcomes for relative foster home  
2.7 background checks under this section by June 1, 2020. If the conclusion of the report is that  
2.8 the pilot project was successful, this subdivision expires the day after the report is submitted.  
2.9 The report must explicitly state whether the pilot project was successful, and the  
2.10 commissioner must notify the Office of the Revisor of Statutes of whether or not the pilot  
2.11 project was successful. If the conclusion of the report is that the pilot project was not  
2.12 successful, the report must include a recommendation for the future of the pilot project.

2.13 (e) For the purposes of paragraph (d), the pilot project may be deemed successful if  
2.14 children placed in relative foster homes licensed by a cohort county during the pilot project  
2.15 experienced the same rate or a lower rate of maltreatment as children placed in relative  
2.16 foster homes in noncohort counties. In determining whether the pilot project is successful,  
2.17 the commissioner shall also take into consideration whether children placed in relative foster  
2.18 homes in cohort counties during the pilot project experienced timely permanency under the  
2.19 requirements of chapter 260C at the same rate or a higher rate than children placed in relative  
2.20 foster homes in noncohort counties.

2.21 **EFFECTIVE DATE.** Subdivision 2 is effective the day following final enactment.

2.22 Sec. 2. Minnesota Statutes 2016, section 626.556, is amended by adding a subdivision to  
2.23 read:

2.24 **Subd. 17. Child protection safety and risk-based framework response system; pilot**  
2.25 **project.** (a) The commissioner, along with a cohort of counties as described in paragraph  
2.26 (c), shall establish a pilot project to research, develop, and implement a child protection  
2.27 safety and risk-based framework response system to enhance the protection of children and  
2.28 support more effective and efficient deployment of county resources.

2.29 (b) The child protection safety and risk-based framework response system shall improve  
2.30 appropriate, timely, and adequate responses to a child's reported safety needs and must  
2.31 include consideration of the following factors:

2.32 (1) the child's need for supervision or care and the availability of a suitable caregiver to  
2.33 provide for the child;

- 3.1 (2) the child's need for immediate medical or mental health evaluation or care;
- 3.2 (3) whether the caregiver's behavior is dangerous or threatening to the child's health or
- 3.3 safety;
- 3.4 (4) the child's age and vulnerability;
- 3.5 (5) a prior history of maltreatment by the caregiver;
- 3.6 (6) a prior history of maltreatment experienced by the child;
- 3.7 (7) whether the child is exhibiting behavior that threatens the health or safety of the child
- 3.8 or others; and
- 3.9 (8) the elapsed time since the alleged occurrence of maltreatment.
- 3.10 (c) The commissioner shall choose a small cohort of counties to participate in the pilot
- 3.11 project. The cohort counties shall include Hennepin County and a small number of additional
- 3.12 counties, including a mix of suburban and rural counties and at least one county serving a
- 3.13 significant population of Indian children.
- 3.14 (d) When the commissioner and cohort counties agree that the child protection safety
- 3.15 and risk-based framework response system has been adequately researched and developed
- 3.16 and is ready for implementation, the cohort counties may use the framework in lieu of the
- 3.17 response requirements for county child protection under subdivision 10, paragraphs (b) and
- 3.18 (j).
- 3.19 (e) The commissioner, in consultation with the cohort counties, shall submit a report to
- 3.20 the legislature (1) by June 1, 2019, on the progress of the framework development, and (2)
- 3.21 by June 1, 2020, on the implementation of the framework and the child safety-related
- 3.22 outcomes and effectiveness and efficiencies created by the pilot project in the cohort counties.
- 3.23 If the commissioner and the cohort counties determine that the use of the framework is
- 3.24 successful, the cohort counties may continue to use the framework.