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HOUSE OF REPRESENTATIVES

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The bill was read for the first time and referred to the Committee on Health and Human Services

1.1 A bill for an act
1.2 relating to human services; establishing a child safety system and child safety
1.3 fund; requiring reports; appropriating money; amending Minnesota Statutes
1.4 2006, section 256M.30, subdivisions 1, 2; proposing coding for new law as
1.5 Minnesota Statutes, chapter 256N.

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

1.7 Section 1. LEGISLATIVE FINDINGS AND PURPOSE.

1.8 The legislature finds that it is the public policy of the state to ensure that all children
1.9 are safe from abuse and neglect, live in permanent and stable homes where they are
1.10 nurtured, and have the opportunity to reach their full potential. To further this public
1.11 policy, it is the intent of the legislature to establish a child safety system that has, as its
1.12 goal, three performance-based standards: child safety, permanency, and well-being. A
1.13 child safety fund is created to implement, maintain, and provide incentives to counties for
1.14 the continuous improvement of the child safety system.

1.15 Sec. 2. Minnesota Statutes 2006, section 256M.30, subdivision 1, is amended to read:

1.16 Subdivision 1. **Service plan submitted to commissioner.** Effective January 1,
1.17 2004, and each two-year period thereafter, each county must have a biennial service plan
1.18 approved by the commissioner in order to receive funds. Only one biennial service plan
1.19 is required under this chapter, regardless of whether counties receive funding under this
1.20 chapter or chapter 256N. Counties may submit multicounty or regional service plans.

1.21 Sec. 3. Minnesota Statutes 2006, section 256M.30, subdivision 2, is amended to read:

1.22 Subd. 2. **Contents.** The service plan shall be completed in a form prescribed by
1.23 the commissioner. The plan must include:

2.1 (1) a statement of the needs of the children, adolescents, and adults who experience
 2.2 the conditions defined in section 256M.10, subdivision 2, paragraph (a), and strengths and
 2.3 resources available in the community to address those needs;

2.4 (2) strategies the county will implement to meet the performance requirements in the
 2.5 child safety system under chapter 256N;

2.6 ~~(2)~~ (3) strategies the county will pursue to achieve the performance targets.
 2.7 Strategies must include specification of how funds under this section and other community
 2.8 resources will be used to achieve desired performance targets;

2.9 ~~(3)~~ (4) a description of the county's process to solicit public input and a summary
 2.10 of that input;

2.11 ~~(4)~~ (5) beginning with the service plans submitted for the period from January 1,
 2.12 2006, through December 31, 2007, performance targets on statewide indicators for each
 2.13 county to measure outcomes of children's mental health, and child safety, permanency,
 2.14 and well-being. The commissioner shall consult with counties and other stakeholders to
 2.15 develop these indicators and collect baseline data to inform the establishment of individual
 2.16 county performance targets for the 2006-2007 biennium and subsequent plans; and

2.17 ~~(5)~~ (6) a budget for services to be provided with funds under this section. The
 2.18 county must budget at least 40 percent of funds appropriated under sections 256M.01 to
 2.19 256M.80 for services to ensure the mental health, safety, permanency, and well-being of
 2.20 children from low-income families. The commissioner may reduce the portion of child
 2.21 and community services funds that must be budgeted by a county for services to children
 2.22 in low-income families if:

2.23 (i) the incidence of children in low-income families within the county's population is
 2.24 significantly below the statewide median; or

2.25 (ii) the county has successfully achieved past performance targets for children's
 2.26 mental health, and child safety, permanency, and well-being and its proposed service plan
 2.27 is judged by the commissioner to provide an adequate level of service to the population
 2.28 with less funding.

2.29 **Sec. 4. [256N.01] CITATION.**

2.30 Sections 256N.01 to 256N.50 may be cited as "The Child Protection and Safety
 2.31 Act." This act creates a child safety system to establish performance-based accountability
 2.32 for the safety, permanency, and well-being of children and establishes a child safety fund
 2.33 to address the needs of children within each county.

2.34 **Sec. 5. [256N.10] DEFINITIONS.**

3.1 Subdivision 1. **Scope.** For the purposes of sections 256N.01 to 256N.50, the terms
3.2 defined in this section have the meanings given.

3.3 Subd. 2. **Child safety system.** "Child safety system" means a performance-based
3.4 system that ensures the safety, permanency, and well-being of children and is accountable
3.5 to federal and state performance standards and is funded by the child safety fund.

3.6 Subd. 3. **Child safety fund.** "Child safety fund" means funds distributed to the
3.7 counties under the formula specified in section 256N.30 for the purpose of implementing
3.8 the child safety system.

3.9 Subd. 4. **Commissioner.** "Commissioner" means the commissioner of human
3.10 services.

3.11 Subd. 5. **County board.** "County board" means the board of county commissioners
3.12 in each county.

3.13 **Sec. 6. [256N.20] DUTIES OF COMMISSIONER.**

3.14 Subdivision 1. **General supervision.** Each year the commissioner shall allocate
3.15 funds to each county according to the formula defined in section 256N.30. The
3.16 commissioner, in consultation with counties, shall provide technical assistance and
3.17 evaluate county performance in achieving outcomes.

3.18 Subd. 2. **Additional duties.** The commissioner shall:

3.19 (1) provide necessary information and assistance to each county for establishing
3.20 performance baselines and desired improvements on safety, permanency, and well-being
3.21 for children and adolescents;

3.22 (2) provide training, technical assistance, and other supports to each county to assist
3.23 in planning, implementing services, and monitoring outcomes;

3.24 (3) use data collection and evaluation of outcomes to determine county compliance
3.25 with performance standards;

3.26 (4) specify requirements for reports, including fiscal reports, to account for funds
3.27 distributed;

3.28 (5) establish child welfare performance standards under section 256N.40,
3.29 subdivision 1, and review the standards every two years to ensure compliance with the
3.30 federal outcome procedures in Code of Federal Regulations, title 45, section 1355.34;

3.31 (6) work with counties to correct deficits that are identified in the performance
3.32 review under section 256N.50; and

3.33 (7) allocate performance-based funding under section 256N.30 according to county
3.34 compliance with the performance standards in section 256N.40.

4.1 Sec. 7. [256N.30] CHILD SAFETY ACT GRANT ALLOCATION.

4.2 Subdivision 1. Child safety fund. The child safety fund is created for the purposes
4.3 of sections 256N.01 to 256N.60.

4.4 Subd. 2. Formula. The commissioner shall allocate funds annually from the child
4.5 safety fund to each county board on a calendar basis in an amount determined according
4.6 to this subdivision. Ninety-five percent of available funds must be allocated according to
4.7 the formula in paragraphs (a) to (e). The remaining five percent of available funds must be
4.8 allocated to counties as grants for projects to meet specific county needs.

4.9 (a) On January 1, 2008, the commissioner shall allocate available funds according
4.10 to the following criteria:

4.11 (1) 90 percent must be based on the county's federal child welfare targeted case
4.12 management (CWTCM) revenue under section 256F.10 for the average of years 2004,
4.13 2005, and 2006; and

4.14 (2) ten percent must be based on need as determined by the county's proportional
4.15 share of children in poverty as compared to the rest of the state.

4.16 (b) On January 1, 2009, the commissioner shall allocate available funds according
4.17 to the following criteria:

4.18 (1) 70 percent must be based on the average of the county's federal CWTCM
4.19 revenue under section 256F.10 for years 2004, 2005, and 2006;

4.20 (2) 25 percent must be based on need as determined by the county's proportional
4.21 share of children in poverty as compared to the rest of the state; and

4.22 (3) five percent must be based on the county's ability to meet the performance
4.23 standards in section 256N.40.

4.24 (c) On January 1, 2010, the commissioner shall allocate available funds according
4.25 to the following criteria:

4.26 (1) 50 percent must be based on the average of the county's federal CWTCM
4.27 revenue under section 256F.10 for years 2004, 2005, and 2006;

4.28 (2) 35 percent must be based on need as determined by the county's proportional
4.29 share of children in poverty as compared to the rest of the state; and

4.30 (3) 15 percent must be based on the county's ability to meet the performance
4.31 standards in section 256N.40.

4.32 (d) On January 1, 2011, the commissioner shall allocate available funds according
4.33 to the following criteria:

4.34 (1) 25 percent must be based on the average of the county's federal CWTCM
4.35 revenue under section 256F.10 for years 2004, 2005, and 2006;

5.1 (2) 55 percent must be based on need as determined by the county's proportional
5.2 share of children in poverty as compared to the rest of the state; and

5.3 (3) 20 percent must be based on the county's ability to meet the performance
5.4 standards in section 256N.40.

5.5 (e) On January 1, 2012, the commissioner shall allocate available funds according
5.6 to the following criteria:

5.7 (1) 70 percent must be based on need as determined by the county's proportional
5.8 share of children in poverty as compared to the rest of the state; and

5.9 (2) 30 percent must be based on the county's ability to meet the performance
5.10 standards in section 256N.40.

5.11 Subd. 3. **Compliance work group; report.** (a) The commissioner shall convene a
5.12 work group to establish a procedure by which the commissioner can measure compliance
5.13 with the performance standards in section 256N.40 and the seven federal outcome
5.14 procedures in Code of Federal Regulations, title 45, section 1355.34. The work group
5.15 shall also address how a county's compliance with the performance standards should affect
5.16 the performance-based funding in subdivision 1.

5.17 (b) The work group shall examine whether sanctions or corrective action procedures
5.18 should be implemented to enhance the county's ability to meet the three performance-based
5.19 standards identified in this chapter.

5.20 (c) The work group shall report back to the chairs of house and senate committees
5.21 having jurisdiction by January 1, 2008, with recommendations for potential legislation to
5.22 be offered in the 2008 legislative session.

5.23 (d) The commissioner shall consult with county associations to determine the
5.24 representatives to the work group.

5.25 Subd. 4. **Tribal participation work group; report.** The commissioner shall
5.26 convene a work group comprised of tribes, counties, and the Department of Human
5.27 Services to establish opportunities and mechanisms for tribes to participate in the child
5.28 safety system to ensure the safety, permanency, and well-being of American Indian
5.29 children. The work group shall report back to the chairs of house and senate committees
5.30 having jurisdiction by January 1, 2008, with recommendations for potential legislation to
5.31 be offered in the 2008 legislative session.

5.32 **Sec. 8. [256N.40] COUNTY DUTIES.**

5.33 Subdivision 1. **Performance outcomes.** Counties shall use allocated funds from the
5.34 child safety fund to meet three performance outcomes as follows:

6.1 (1) protecting children from abuse and neglect, including maintaining a safe
6.2 environment for children in their homes whenever possible;

6.3 (2) maintaining permanency and stability in children's living situations, including
6.4 preserving continuity of family relationships; and

6.5 (3) ensuring that families have the capacity to provide for their children's
6.6 educational, physical, and mental health needs.

6.7 Subd. 2. **Duties of county boards.** The county board of each county is responsible
6.8 for administering and funding children services under subdivision 1.

6.9 **Sec. 9. [256N.50] EVALUATION OF COUNTY PERFORMANCE.**

6.10 Subdivision 1. **County evaluation.** The commissioner shall evaluate the
6.11 performance of each county in the state to measure compliance with the outcomes listed
6.12 in section 256N.20 and federal child and family service outcomes in Code of Federal
6.13 Regulations, title 45, section 1355.34. The commissioner shall: conduct individual county
6.14 performance reviews periodically; require sanctions or corrective action procedures
6.15 as determined by the work group in section 256N.30, subdivision 3; and utilize the
6.16 performance reviews to determine the county's eligibility for all or part of the child safety
6.17 fund performance allocation under section 256N.30.

6.18 Subd. 2. **Statewide evaluation.** Beginning January 1, 2010, and every two years
6.19 thereafter, the commissioner shall prepare a report on the counties' progress in achieving
6.20 compliance with the outcomes listed in section 256N.20 and federal child and family
6.21 service outcomes in Code of Federal Regulations, title 45, section 1355.34. As part of
6.22 this report, the commissioner shall evaluate and make changes necessary to amend the
6.23 performance outcomes in section 256N.40. This report must be disseminated to county
6.24 agencies statewide.

6.25 **Sec. 10. APPROPRIATION.**

6.26 \$..... is appropriated from the general fund to the commissioner of human services
6.27 for the biennium beginning July 1, 2007, to develop the child safety system in sections 4
6.28 to 9.