

Child Protection and Welfare: 2024 Session Laws

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Relevant 2024 Session Laws

- **Chapter 115**, articles 12, 17, 18, and 22
- **Chapter 117**, Minnesota African American Family Preservation and Child Welfare Disproportionality Act
- **Chapter 123**, article 4, sections 2, 3, 5-7
- **Chapter 80**, Department of Children, Youth, and Families statutory changes

Chapter 115, Article 12

Child Critical Incident Review Changes: Effective July 1, 2025

- Restructures process for reviewing child critical incidents (fatalities and near fatalities)
- Modifies child mortality review panel membership; adds executive director functions
- Moves requirements to chapter 260E
- Requires critical incident reviews to proceed during pending litigation or active investigations
- Requires annual report

Chapter 115, Article 12

Child Critical Incident Review Changes: New Process



Chapter 115, Article 12

Treatment of Supplemental Security Income, Retirement, Survivor's, and Disability Insurance, and other survivor benefits

- Financially responsible agency that applies to be the payee for a child's benefits must provide written notice
- Agency must only use a child's benefits to pay for the care of that child
- Prohibits commingling of benefits with any other funds
- Agency must keep accounting records for benefits received
- Each agency must submit annual report to commissioner; commissioner must submit annual report to legislature

Chapter 115, Article 12

Federal Compliance Changes: sections 4-10, 12-26

- “Sex trafficking” terminology expanded to include labor and human trafficking throughout relevant statutes
- Modifies and adds responsible social services agency requirements and procedures for reporting, reviewing, and documenting cases of missing and trafficked children (sec. 10)

Chapter 115, Article 12

Supreme Court Council on Child Protection

- Council will develop a comprehensive blueprint to improve Minnesota's child protection system and prevent unnecessary entry of children and families into the system
- Meetings begin no later than September 15, 2024
- Initial progress report to governor, chief justice, and legislature by July 15, 2025
- Final report by January 15, 2026, detailing the council's comprehensive blueprint

Chapter 115, Article 12

Additional child protection provisions

- Require DCYF to evaluate child maltreatment reporting processes and systems in other states, and to develop recommendations on implementing a statewide system for reporting child maltreatment in Minnesota. Report to legislature by June 1, 2025
- Require commissioner to ensure that the Comprehensive Child Welfare Information System can meet listed tracking, information-sharing, and comprehensive data reporting requirements
- Supporting relative caregiver grants

Chapter 115, Article 17

Minnesota Indian Family Preservation Act (MIFPA) changes

- Technical and conforming changes
- Modifies, clarifies, and adds definitions in section 260.755 and chapter 260C
- Adds requirements for inquiry into American Indian heritage or Tribal lineage; adds and modifies notice requirements
- Requires courts to allow for remote appearances in child placement proceedings
- Clarifies active efforts provisions
- Requires deferral to Tribal determinations of exclusive Tribal jurisdiction
- Modifies appointment of counsel provisions and Tribal participation in court proceedings

Chapter 115, Article 18

Child welfare policy provisions

- Northstar adoptive, kinship, and foster assistance changes
- Chapter 260C child placement proceedings changes
- Removal of nonpayment of support without good cause from termination of parental rights conditions
- Requiring responsible social services agency to provide a one-to two-page summary of the out-of-home placement plan to a child's parent or guardian

Chapter 115, Article 18

Supportive services and rights for parents with disabilities

- Prohibits court from denying an adoptive placement due to the prospective parent's disability and provides for supportive services
- Specifies that a child is not considered to be without proper parental care based solely on the disability of the parent, guardian, or custodian
- Prohibits filing of CHIPS petition based on a parent's disability and provides for supportive services
- Provides that a parent should not be denied parenting time solely because of the parent's disability; provides for supportive services

2024 Legislative Session Child Protection Spending Items

Department of Human Services (General Fund Total Appropriations)

- **Social Services Information System (SSIS) Modernization:** \$10.162 million, FY 2025 only
- **Relative Caregiver Grants:** \$550 thousand, FY 2025 only
- **SSI/RSDI Reporting Tool and Report:** \$200 thousand, FY 2025; \$100 thousand, FY 2026-27
- **Child Maltreatment Reporting Study:** \$200 thousand, FY 2025 only
- **MIFPA IT changes:** \$10 thousand, FY 2025; \$4 thousand, FY 2026-27
- **Child Critical Incident Review Changes:** \$405 thousand, FY 2025; \$938 thousand, FY 2026-27

2024 Legislative Session Child Protection Spending Items

(General Fund Total Appropriations)

- **Supreme Court Council on Child Protection:** \$1 million, FY 2025 only
- **Department of Children, Youth, and Families (DCYF) Items:**
 - DCYF: \$3.279 million in FY 2025 and \$14.016 million in FY 2026-27
 - DHS: \$1.212 million in FY 2025 and \$4.848 million in FY 2026-27
 - MDE: \$173 thousand in FY 2025 and \$690 thousand in FY 2026-27
- **Minnesota African American Family Preservation and Child Welfare Disproportionality Act:** \$8.367 million, FY 2025; \$8.361 million, FY 2026-27

Chapter 117

Minnesota African American Family Preservation and Child Welfare Disproportionality Act

- Establishes responsible social services agency and court requirements for African American and other disproportionately represented children in the child protection system
- Beginning as a phase-in program for Hennepin and Ramsey Counties, January 1, 2025
- Effective statewide January 1, 2027, unless otherwise stated

Chapter 117

Phase-in program

- Established for Hennepin and Ramsey Counties, January 1, 2025
- Commissioner may approve other counties' participation, upon request
- Counties provide case review reports beginning January 1, 2026
- Commissioner reports on phase-in program outcomes
- Working group to provide guidance and oversight of phase-in program and provide interim legislative report and statewide implementation plan for the act
- \$5,000,000 appropriated (\$2,500,000 each) for grants to Hennepin and Ramsey Counties to implement phase-in program

Chapter 117

Minnesota African American Family Preservation and Child Welfare Disproportionality Act

- Requires active efforts, development of safety plan, and active efforts to locate relatives and ensure family visitation
- Requires court to find by clear and convincing evidence, to order out-of-home placement for an African American or disproportionately represented child, that the child would be at risk of serious emotional or physical damage if remaining at home
- Establishes emergency removal procedures
- Declares preference for transfer of permanent legal and physical custody to a relative or noncustodial parent; limits court's ability to terminate parental rights
- Modifies reestablishment of parental rights requirements for African American or disproportionately represented children

Chapter 117

Minnesota African American Family Preservation and Child Welfare Disproportionality Act

- Prohibits certain conduct by child protection employees
- Requires annual case review by responsible social services agencies; remediation plans for agencies showing child welfare disparities
- Provides for cultural competency training
- Outlines duties and report requirements for the African American Child Well-Being Advisory Council and African American Child Well-Being Unit
- Establishes African American and disproportionately represented family preservation primary support grants

Chapter 123, Article 4

Raising age of delinquency

- Effective August 1, 2026
- Raises age of delinquent child and juvenile petty offender from 10 years old to 13 years old
- Instead requires a juvenile who commits a delinquent act or petty offense before age 13 to be treated as a child in need of protection or services

Chapter 80

Department of Children, Youth, and Families (DCYF) Statutory Changes

- Laws 2023, chapter 70, article 12 established DCYF and instructed revisor and nonpartisan staff to identify statutory changes necessary to facilitate the transfer of responsibilities and functions to the new department
- DCYF established July 1, 2024; fully staffed and implemented July 1, 2025
- Chapter 80 recodified relevant statutes into new chapters:
 - 142A: DCYF
 - 142B: DCYF Licensing
 - 142C: Certified License-Exempt Child Care Centers
 - 142D: Early Care and Learning
 - 142E: Child Care Assistance Program
 - 142F: Food, Housing, and Community Support Programs
 - 142G: Minnesota Family Investment Program

Questions?



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