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# Senate

State of Minnesota

TO: Senator Julie A. Rosen

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

DATE: October 3, 2018

RE: 2018 Child Welfare / Child Protection Laws

Last session, SF 2902 / HF 3265 was signed into law under Chapter 188, which is attached. Below is a summary of the language.

**Section 1 (245A.175)** amends the Department of Human Services Licensing Act, specifically the child foster care training requirements related to fetal alcohol spectrum disorders (FASD). The bill requires that the annual training include at least one hour of training on FASD, which must be counted towards the 12 hours training required per year.

**Section 2 (256N.24, subd. 2a)** requires the Commissioner of Human Services, in consultation with representatives from communities of color and others, to review and revise the Minnesota assessment of parenting for children and youth (MAPCY) tool that is used to assess children to determine eligibility for benefits under Northstar Care for Children, and incorporate changes that take into consideration different cultures and the diverse needs of communities of color.

**Section 3 (260C.008, subd. 1)** lists the rights of siblings who are placed in foster care.

**Subdivision 2** provides the interpretation of the rights, which are established for the benefit of siblings in foster care, and the rights do not replace or diminish other rights, liberties, and responsibilities that may exist relative to children in foster care.

**Subdivision 3** requires that a copy of the rights be provided to a child who has a sibling at the time the child enters foster care, and the foster care provider. The copy must contain the contact information for the Office of Ombudsman for Families and a statement explaining how to file a complaint with the office.

This section is effective for children entering foster care on or after August 1, 2018. Subdivision 3 is effective August 1, 2018, for all children in foster care.

JW/rdr

# Minnesota Session Laws - 2018, Regular Session

Authenticate

Key: (1) ~~language to be deleted~~ (2) new language

## CHAPTER 188--H.F.No. 3265

*An act relating to human services; modifying provisions governing MAPCY and child foster care; establishing foster care sibling bill of rights; amending Minnesota Statutes 2016, sections 245A.175; 256N.24, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 260C.*

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

Section 1. Minnesota Statutes 2016, section 245A.175, is amended to read:

### **245A.175 CHILD FOSTER CARE TRAINING REQUIREMENT; MENTAL HEALTH TRAINING; FETAL ALCOHOL SPECTRUM DISORDERS TRAINING.**

Prior to a nonemergency placement of a child in a foster care home, the child foster care license holder and caregivers in foster family and treatment foster care settings, and all staff providing care in foster residence settings must complete two hours of training that addresses the causes, symptoms, and key warning signs of mental health disorders; cultural considerations; and effective approaches for dealing with a child's behaviors. At least one hour of the annual training requirement for the foster family license holder and caregivers, and foster residence staff must be on children's mental health issues and treatment. Except for providers and services under chapter 245D, the annual training must also include at least one hour of training on fetal alcohol spectrum disorders within the first 12 months of licensure. After the first 12 months of licensure, training on fetal alcohol spectrum disorders may count, which must be counted toward the 12 hours of required in-service training per year. Short-term substitute caregivers are exempt from these requirements. Training curriculum shall be approved by the commissioner of human services.

Sec. 2. Minnesota Statutes 2016, section 256N.24, is amended by adding a subdivision to read:

**Subd. 2a. Minnesota assessment of parenting for children and youth (MAPCY) revision.** The commissioner, in consultation with representatives from communities of color, including but not limited to advisory councils and ombudspersons, shall review and revise the MAPCY tool and incorporate changes that take into consideration different cultures and the diverse needs of communities of color.

### **Sec. 3. [260C.008] FOSTER CARE SIBLING BILL OF RIGHTS.**

**Subdivision 1. Statement of rights.** (a) A child placed in foster care who has a sibling has the right to:

(1) be placed in foster care homes with the child's siblings, when possible and when it is in the best interest of each sibling, in order to sustain family relationships;

(2) be placed in close geographical distance to the child's siblings, if placement together is not possible, to facilitate frequent and meaningful contact;

(3) have frequent contact with the child's siblings in foster care and, whenever possible, with the child's siblings who are not in foster care, unless the responsible social services agency has documented that contact is not in the best interest of any sibling. Contact includes, but is not limited to, telephone calls, text messaging, social media and other Internet use, and video calls;

(4) annually receive a telephone number, address, and e-mail address for all siblings in foster care, and receive updated photographs of siblings regularly, by regular mail or e-mail;

(5) participate in regular face-to-face visits with the child's siblings in foster care and, whenever possible, with the child's siblings who are not in foster care. Participation in these visits shall not be withheld or restricted as a consequence for behavior, and shall only be restricted if the responsible social services agency documents that the visits are contrary to the safety or well-being of any sibling. Social workers, parents, foster care providers, and older children must cooperate to ensure regular visits and must coordinate dates, times, transportation, and other accommodations as necessary. The timing and regularity of visits shall be outlined in each sibling's service plan, based on the individual circumstances and needs of each child. A social worker need not give explicit permission for each visit or possible overnight visit, but foster care providers shall communicate with social workers about these visits;

(6) be actively involved in each other's lives and share celebrations, if they choose to do so, including but not limited to birthdays, holidays, graduations, school and extracurricular activities, cultural customs in the siblings' native language, and other milestones;

(7) be promptly informed about changes in sibling placements or circumstances, including but not limited to new placements, discharge from placements, significant life events, and discharge from foster care;

(8) be included in permanency planning decisions for siblings, if appropriate;  
and

(9) be informed of the expectations for and possibility of continued contact with a sibling after an adoption or transfer of permanent physical and legal custody to a relative.

(b) Adult siblings of children in foster care shall have the right to be considered as foster care providers, adoptive parents, and relative custodians for their siblings, if they choose to do so.

**Subd. 2. Interpretation.** The rights under this section are established for the benefit of siblings in foster care. This statement of rights does not replace or diminish other rights, liberties, and responsibilities that may exist relative to children in foster care, adult siblings of children in foster care, foster care providers, parents, relatives, or responsible social services agencies.

**Subd. 3. Disclosure.** Child welfare agency staff shall provide a copy of these rights to a child who has a sibling at the time the child enters foster care, to any adult siblings of a child entering foster care, if known, and to the foster care provider, in a format specified by the commissioner of human services. The copy shall contain the address and telephone number of the Office of Ombudsman for Families and a brief statement describing how to file a complaint with the office.

**EFFECTIVE DATE.** This section is effective for children entering foster care on or after August 1, 2018. Subdivision 3 is effective August 1, 2018, and applies to all children in foster care on that date, regardless of when the child entered foster care.

Presented to the governor May 18, 2018

Signed by the governor May 20, 2018, 3:35 p.m.

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