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DATE

February 1, 2024

OF INTEREST TO

County and Tribal Social
Services Directors

County and Tribal Social
Services Supervisors and Staff

County and Tribal Attorneys

State District Court
Administration

Private Child-Placing Agency
Supervisors and Staff

ACTION/DUE DATE

Please read information and
prepare for implementation.

EXPIRATION DATE

February 1, 2026

Summary of 2023 child welfare legislation

TOPIC

Overview of 2023 child welfare legislation.

PURPOSE

Provide a summary of 2023 legislative actions affecting delivery of child welfare services impacting 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.

I. Background

The 2023 legislature invested in and made extensive changes to Minnesota’s child welfare system. This bulletin summarizes these changes with law citations for reference. For more information, including policy and practice implications, contact the applicable unit at the Department of Human Services (department):

- American Indian wellbeing and Tribal child welfare: dhs.icwa.mifpa@state.mn.us
- Child safety and prevention: dhs.csp.safety@state.mn.us
- Human Trafficking Child Protection program: dhs.safeharbor@state.mn.us
- Foster care: dhs.csp.fostercare@state.mn.us
- Qualified individuals/Family First Prevention Services Act: ffpsa.qualifiedindividual.dhs@state.mn.us
- Permanency and adoption: northstar.benefits@state.mn.us
- Minnesota Assessment of Parenting for Children and Youth (MAPCY): mapcy.dhs@state.mn.us

All legislative changes listed in this bulletin were effective July 1, 2023, unless otherwise specified. Note: In the [2023 Minnesota Statutes](#), statutory changes with future effective dates have “[See Note.]” underneath them.

II. Department of Children, Youth, and Families

Effective July 1, 2024, the Department of Children, Youth, and Families (DCYF) will be established as a new state agency. Programs and services that support children, youth, and families, including the Child Safety and Permanency Division, will transition to DCYF between July 1, 2024, and July 1, 2025. Legislation enacted:

- Requires Minnesota Management and Budget (MMB) and the department to establish DCYF to elevate policies and programs related to children and families to a cabinet-level agency.
- Instructs the revisor of statutes to consult with relevant agencies to determine if additional changes to Minnesota Statutes or Rules are needed to implement DCYF.
- Provides funding for a transition team to establish the new agency and provide a report on transition activities to the legislature by March 1, 2024
- Provides funding for the department to transfer federal reimbursement processes to DCYF, cross-train employees and establish ongoing funding for DCYF.

Learn more at the [Implementation Office for the Department of Children, Youth, and Families website](#).

[Laws of Minnesota 2023, chapter 70, article 12, sections 1-6, 13-17, 28-31 and 35, and article 20, sections 12 (b) and 13]

III. Tribal child welfare

The 2023 legislature supported significant investments in Tribal child welfare, including increased funding to Tribal Nations and urban Indian organizations as well as codification of the federal Indian Child Welfare Act (ICWA) into the Minnesota Indian Family Preservation Act (MIFPA).

A. Increased funding for grants, staff, and program development

After more than 30 years without funding increases, the Indian child welfare primary grants for Tribes and urban American Indian organizations experienced a substantial increase. These grants support MIFPA implementation. New funding was established under MIFPA that provides \$80,000 per year for Minnesota's federally recognized Tribal Nations to hire staff to respond to ICWA and MIFPA notices.

Further investments included funding for Mille Lacs Band of Ojibwe to finish planning activities and implement the American Indian Child Welfare Initiative, as well as increased funding for American Indian Child Welfare Initiative programs implemented by Leech Lake Band of Ojibwe, Red Lake Nation, and White Earth Nation.

Finally, to effectively address the alarming rates of American Indian children entering Minnesota's child welfare system, the legislature appropriated funding for additional staff in the American Indian Wellbeing unit within the Child Safety and Permanency Division. These staff will:

- Develop and expand culturally based prevention and preservation services for American Indian children and families.
- Ensure the department has capacity to manage American Indian child welfare program grants and allocations in accordance with statutory requirements.
- Provide legal expertise, navigation, and guidance on Tribal/county jurisdictional issues.
- Function as American Indian liaison between the judicial branch and department
- Provide or coordinate training and technical assistance to Children's Justice Initiative team and county and Tribal attorneys/judges on policies and practices impacting American Indian children.
- Respond to requests for case consultation to counties in timely technical assistance for improving outcomes of American Indian children and families.
- Implement regional mapping sessions intended to better understand deficits and create a community engagement model that can build and maintain authentic, genuine relationships strengthening Tribal/county partnerships.
- Develop culturally based resources, responses and supportive child welfare policies for prevention and response to human trafficking and sexual exploitation of at-risk American Indian children and youth.
- Clear a multi-year backlog of complaints regarding county compliance with federal and state requirements involving American Indian children in the child protection system.

[Laws of Minnesota 2023, chapter 70, article 14, section 7, and article 20, sections 1 and 2, subd. 22 (b) through (f)]

B. Amendments to Minnesota Indian Family Preservation Act

MIFPA was amended to ensure federal ICWA provisions were codified in state law, which was part of a 10-year plan developed in 2018 by Tribal leadership in partnership with the department to strengthen and improve child welfare practice with American Indian children and families. The following list reflects ICWA provisions that were added to or clarified within MIFPA:

- Applicability
- Policy on Tribal-state relations
- Replacement of "local social services agency" with "child-placing agency"
- Requirements for emergency removal
- Tribal access to files and other documents
- Placement preferences
- Qualified expert witness testimony required for transfer of permanent legal and physical custody (TPLPC) proceedings.

[Laws of Minnesota 2023, chapter 16]

IV. Prevention and early childhood investments

A. Community Resource Centers

The legislature provided one-time funding for the commissioner of human services (commissioner), in consultation with other state agencies, partners and the Community Resource Center Advisory Council, to award grants to support the planning, implementation and evaluation of community resource centers. A community resource center is a community-based coordinated point of entry that makes it easier for families to get what they need by supporting relationship-based and culturally responsive program and service navigation. Grants for community resource centers will be available to community-based organizations, Tribal nations, urban Indian organizations, counties, schools and more.

The commissioner will be responsible for appointing members to the Community Resource Center Advisory Council, in consultation with other relevant state agencies. In addition to partnering with the commissioner to develop an outcome and evaluation plan, the Advisory Council is required to submit a legislative report by July 1, 2025, on the Advisory Council's duties along with other items such as outcomes and impacts related to equity, community partnerships, program and service availability, family well-being and child welfare system involvement.

[Laws of Minnesota 2023, chapter 70, article 14, section 42, and article 20, section 2, subd. 22 (n)]

B. Early childhood investments for families involved in child welfare

The legislature made many investments in early childhood. This section highlights a few that directly impact children and families involved in the child welfare system. For a comprehensive overview of all early childhood investments, visit the [Minnesota Department of Education's Early Childhood Legislation webpage](#) or download [their presentation providing a 2023 legislative session update \(PPT\)](#).

1. Early Learning Scholarships program modifications and investments

The legislature increased the funding available for the [Early Learning Scholarships program](#) to support an increase in scholarship cap as well as expanded program eligibility criteria and priority populations. As of Jan. 1, 2024, age eligibility was expanded to include all children who are not enrolled in kindergarten and who are not age 5 by Sept. 1 of the current school year. Effective July 1, 2024, families with at least one child receiving child protective services become categorically eligible, which means they do not need to show income eligibility to qualify for a scholarship, and priority populations will be expanded to include children who have:

- Experienced domestic violence
- A parent that is or has been incarcerated.
- A parent in a substance use treatment program
- A parent in a mental health treatment program.

Children in foster care and those in need of protective services will continue to be priority populations. Additionally, eligibility requirements for child care programs to accept Early Learning Scholarships, based on their Parent Aware rating, were modified.

[Laws of Minnesota 2023, chapter 54, sections 11-15 and 20, subds. 5 and 13]

2. Child Care Assistance Program (CCAP) maximum rates and eligibility modified

As of Oct. 30, 2023, CCAP maximum rates and registration fees were increased to the 75th percentile of the most recent child care provider rate survey, or the rates in effect at the time of the update, whichever was greater. This impacts child care reimbursement rates for adoptive families receiving legacy adoption assistance under Minnesota Statutes, Chapter 259A.

Effective Aug. 25, 2024, the following individuals will be able to apply for and, if eligible, receive CCAP:

- Foster parents
- Relative custodians who accepted a TPLPC of a child in foster care (or similar permanency disposition in Tribal code)
- Successor custodians or guardians under Minnesota Statutes, Chapter 256N.

Foster parents, relative custodians and successor custodians or guardians will need to meet all CCAP eligibility criteria, including income requirements, to receive CCAP.

See [bulletin #23-68-09, Child Care Assistance Program 2023 Legislative Changes](#) for more information.

[Laws of Minnesota 2023, chapter 70, article 12, sections 7-9, 11]

V. Child maltreatment reporting and screening

A. Sex trafficking and other policy updates

The policy statement under the Reporting of Maltreatment of Minors Act was amended to clarify and align the state’s policy goals to support child safety and well-being. Additionally, sex trafficking was added as a form of substantial child endangerment under Minnesota Statutes, Chapter 260E and egregious harm under Chapter 260C. The scope of membership in multidisciplinary teams under [Minnesota Statutes, section 260E.02](#) was expanded to include community-based partners providing specialized services for sex trafficking and sexual exploitation.

[Laws of Minnesota 2023, chapter 70, article 14, sections 8, 13-14, 17]

B. New child protection response path for reports of noncaregiver sex trafficking

Effective July 1, 2024, a new response path for reports of non-caregiver sex trafficking (involving a third-party alleged offender, not a child’s caregiver) will be established under [Minnesota Statutes, section 260E.17](#). This will include new definitions of “noncaregiver sex trafficker” ([Minnesota Statutes, section 260E.03, subdivision 15a](#)) and “noncaregiver sex trafficking assessment” ([Minnesota Statutes, section 260E.03, subdivision 15b](#)) as well as updated MIFPA notice requirements.

Under the new response path:

- Law enforcement will be solely responsible for investigating the criminal actions of the alleged offender. The local welfare agency will not be required to inform or interview the alleged offender. Cross-reporting and coordination between the local welfare agency and law enforcement will still be required.
- The local welfare agency will assess child safety, subsequent child maltreatment risk, and strengths and needs of the family, with no maltreatment determination. The agency will be required to initiate an investigation if there is reason to believe a child’s parent, caregiver, or household member had been involved in child maltreatment, including sex trafficking of a child.

Learn more at [MN Department of Human Services Safe Harbor website](#).

[Laws of Minnesota 2023, chapter 70, article 14, sections 6, 15-16, 18-26]

C. Maltreatment screening updates

The legislature directed the commissioner to send formal communication to all hospital systems and children's residential facilities located in Minnesota about:

- How to access the [2023 Minnesota Child Maltreatment Intake, Screening and Response Path Guidelines \(PDF\)](#) (guidelines)
- Updates to the guidelines that address situations where parents/legal guardians are actively seeking services to keep their children safe but have not been able to access such services.
- Not reporting or screening these situations in as maltreatment.

Further legislative direction requires the commissioner to consult with stakeholders to review and suggest revisions to the guidelines to ensure parents are not considered to have abandoned or neglected their children when their children are in emergency departments or hospital settings due to mental illness, emotional disturbance, or a disability, and cannot be safely discharged to parents due to lack of access to necessary services.

[Laws of Minnesota 2023, chapter 70, article 14, section 39]

D. Task Force on Pregnancy Health and Substance Use Disorders

The Task Force on Pregnancy Health and Substance Use Disorders was established to develop guidance on when health care providers should order toxicology testing for birthing parents and newborns and protocols for reporting potential exposure to local child welfare agencies. The task force includes a representative of the department with experience in child welfare. Committee appointments were made as of Oct. 1, 2023, and a report is due to the legislature by Dec. 1, 2024, that includes information on the task force's activities and recommendations on protocols. The task force expires upon report submission or Dec. 1, 2024, whichever is later.

[Laws of Minnesota 2023, chapter 70, article 4, section 110, and article 20, section 3, subd. 2 (hh)]

VI. Implementation of Family First Prevention Services Act

The 2023 Minnesota legislature continued to support FFPSA implementation efforts as follows.

A. Grant and allocation programs

The legislature appropriated funding for the commissioner to establish:

- A grant program for Kinship Navigator programs as outlined by FFPSA.
- A support and development grant program for community-based agencies to provide prevention and early intervention services to implement and build upon Minnesota's FFPSA Title IV-E prevention services plan.
- A program that allocates funding to counties and federally recognized Tribes in Minnesota, according to a formula established by the commissioner, to provide prevention and early intervention services under FFPSA, with at least 10% of each allocation used to provide services

and supports directly to families. Each county and Tribe will be required to submit a plan and report how they used their allocation.

[Laws of Minnesota 2023, chapter 70, article 14, sections 2-3 and 5, and article 20, section 2, subd. 22 (h)-(j)]

B. Aftercare support for qualified residential treatment programs

The definition of “qualified residential treatment program” under [Minnesota Statutes, section 260C.007, subdivision 26d](#) was amended to clarify that aftercare support may include clinical care consultation and mental health certified family peer specialist services.

[Laws of Minnesota 2023, chapter 70, article 14, section 9]

C. State-funded qualified individual program

The legislature provided funding to the commissioner to contract with a community-based agency to manage the day-to-day operations of a state-funded qualified individual (QI) program. This funding covers costs to the department for mandatory QI training, certification, and background studies.

[Laws of Minnesota 2023, chapter 70, article 20, section 2, subd. 22 (k)]

VII. Foster care, permanency, and adoption

In addition to the changes in this section, view changes to [child foster care licensure](#) and [background study requirements](#), and learn more about Medical Assistance eligibility changes for youth formerly in foster care via [bulletin #23-21-24, DHS Expands Medical Assistance for Former Foster Care Youth](#).

A. Technical fixes and policy updates

The following statutory changes do not impact, or have a minimal impact on, existing practice.

- Effective dates for Northstar Care for Children initial assessments, special assessments and reassessments were clarified to align with current policy and practice.
- Relative search requirements were clarified to remove any confusion as to who must be identified and notified when completing relative searches for children in foster care.
- An incorrect statutory cross-reference was fixed, and a reference to an outdated statutory citation was removed.
- Statute was amended to clarify that the ombudsperson for foster youth may be removed only for just cause rather than requiring them to serve “at the pleasure of the governor.”

[Laws of Minnesota 2023, chapter 70, article 14, sections 4, 10-12]

B. Grant programs

1. Quality Parenting Initiative (QPI) grant program

The legislature appropriated funding for the commissioner to establish a grant program to implement QPI principles and practices to support children and families experiencing foster care placements. The grantee for the first two years of the grant program was designated as QPI-Minnesota.

The QPI grant program supports training and technical assistance to county and Tribal agencies, community-based agencies, and other stakeholders on:

- Conducting initial foster care telephone calls as required
- Supporting practices that create birth-family-to-foster-family partnerships.
- Informing child welfare practices by supporting youth leadership and the participation of individuals with experience in the foster care system.

[Laws of Minnesota 2023, chapter 70, article 14, section 1, and article 20, section 2, subd. 22 (l)]

2. STAY in the Community

The legislature provided one-time funding for direct grants to local social service agencies, Tribes, and other organizations to provide independent living services for eligible youth in or previously in out-of-home placement under the STAY in the Community program ([Minnesota Statutes, section 260C.452](#)).

[Laws of Minnesota 2023, chapter 70, article 14, section 41, and article 20, section 2, subd. 22 (m)]

C. Office of Appellate Counsel and Training

A Statewide Office of Appellate Counsel and Training was established as an independent state office under [Minnesota Statutes, section 260C.419](#), with a State Board of Appellate Counsel and Training established to direct the office. The office will provide appellate legal representation to parents in juvenile protection matters and in Tribal court jurisdictions. It will also establish standards and training requirements for parent attorneys and provide training. The office will also work with the department to secure federal Title IV-E funding for counties and Tribes to offset the cost of appellate representation. The board will appoint a head appellate counsel beginning Jan. 1, 2024, who will serve a four-year term.

[Laws of Minnesota 2023, chapter 52, article 1, section 11 and article 3, section 1]

D. Changes to original birth record access and post-adoption services

The legislature made significant changes to laws governing access to original birth record information for adult adopted persons. The commissioner received funding to coordinate a public awareness campaign on these changes with child-placing agencies and the Minnesota Department of Health.

As of Aug. 1, 2023, birth parents named on an adopted person's original Minnesota birth record can indicate their preference for contact by an adult adopted person by submitting a [Birth Parent Contact Preference form](#) to the Minnesota Department of Health. All existing affidavits of disclosure or non-disclosure will expire June 30, 2024, regardless of the date they were filed. For more information, visit the [Minnesota Department of Health's Birth Records and Adoption webpage](#).

Effective July 1, 2024:

- Adults who were adopted will be able to request and receive their original Minnesota birth record from the state registrar, along with any birth parent contact preference form/s and evidence of their adoption, if on file. This also applies to adults born in a different county and adopted internationally who received a replacement Minnesota birth record. Data in these records will be considered private data, rather than confidential.
- Adults who were not born in Minnesota, but whose adoptive placement was made or supervised by a Minnesota child-placing agency, will be able to request and receive from the agency the names, dates of birth and birth places of their birth parents listed on their original birth record. Agencies may charge a reasonable fee for this information. Agencies acting in good faith and in a lawful manner will not be civilly liable for disclosure.
- Agencies and courts will be responsible for informing birth parents of their right to file a contact preference form with the state registrar. Agencies will also be required to inform a person requesting post-adoption services of a birth parent's right to file a contact preference form as well as an adopted person's right to request and receive a copy of their original birth record.
- Adults who were adopted may request and receive post-adoption services beginning at age 18 instead of 19.

[Laws of Minnesota 2023, chapter 70, article 4, sections 2-3, 28-29, 31-34, 79-83, 103, 113]

VIII. Research and planning for child welfare investments

A. Plan to preserve federal cash benefits for children in foster care

The commissioner received funds to develop a plan to preserve and make available federal cash benefits of children in foster care. To develop the plan, the commissioner is required to consult with various individuals and entities including, but not limited to, county and Tribal agencies, advocates, parents and caregivers, youth, and those with expertise in managing trusts and preserving assets. The legislature required counties to provide related policy information and financial and demographic data for fiscal years 2018 to 2022 to the commissioner by Dec. 15, 2023, to help inform the plan. By Jan. 15, 2025, the commissioner must submit a legislative report that includes the plan and a list of counties that did not provide required information.

[Laws of Minnesota 2023, chapter 70, article 14, section 37]

B. Review of child protection information technology system

The legislature provided funds for the commissioner to conduct a review of the Social Services Information System (SSIS) by:

- Contracting with an independent consultant, who will evaluate and make recommendations on improving SSIS, address technical issues, identify unnecessary or burdensome data entry requirements, and assist with selecting a platform for a future information technology system.
- Conducting a study in partnership with local social service agencies and others as necessary to develop recommendations to streamline and reduce SSIS data entry requirements for child protection cases, taking into consideration state and federal requirements.

By June 30, 2024, the commissioner must provide to the legislature an implementation timeline and status report, including progress on hiring a consultant, ongoing and completed efforts on streamlining data entry, and procedures used to solicit stakeholder input. Updates on this work will also be included in the annual legislative report required each Oct. 1 on information technology projects for service delivery transformation.

[Laws of Minnesota 2023, chapter 70, article 14, section 38; article 15, section 10; and article 20, section 2, subds. 3(c), 4(e), and 7(c)]

C. Survey of children placed in out-of-state children’s residential facilities

The legislature directed the commissioner to develop and send out a survey to county social service agencies by Sept. 1, 2023, to collect data from fiscal years 2018 to 2022 on:

- Total number of children placed through the Interstate Compact on the Placement of Children in a children’s residential facility in another state.
- Total cost for these placements, including county, state, and federal contributions.

Counties will have until Jan. 31, 2024, to submit responses. By March 1, 2024, the commissioner must submit a legislative report that includes survey responses and a list of counties that did not respond.

[Laws of Minnesota 2023, chapter 70, article 14, section 40]

Americans with Disabilities Act (ADA) Advisory

This information is available in accessible formats for people with disabilities by calling (651) 431-4660 (voice) or by using your preferred relay service. For other information on disability rights and protections, contact the department’s ADA coordinator, Andrew Christensen, at (651) 431-3039.