

S.F. No. 1063 – Family first prevention act update, modifications, and provider certification

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S.F. No. 1063 implements policy provisions relating to the Family First Prevention Services Act. Article 1 makes clarifying changes to existing provisions, Article 2 applies Family First requirements to the voluntary foster care chapter, and Article 3 establishes a process to certify facilities that become Qualified Residential Treatment Programs (QRTPs).

ARTICLE 1

FAMILY FIRST PREVENTION ACT UPDATES

Article 1, Section 1 (245.4885, subdivision 1) makes technical revisions to clarify that the services and functions in the statute are to be provided for a child. Paragraph (d) also indicates that the validated tool to determine an appropriate level of care under the Children’s Mental Health Act may also be the tool used to conduct an assessment following a recommendation from the juvenile screening team for placing the child in a QRTP.

Article 1, Section 2 (260C.007, subdivision 26c) adds a requirement for a county to contact a child’s tribe to offer the tribe the option to designate a trained culturally competent professional or licensed clinician, under certain conditions, to act as the “qualified individual” for purposes of child safety and placement procedures.

Article 1, Section 3 (260C.007, subdivision 31) incorporates victims of sexual exploitation, as defined in federal law, into the definition for “sexually exploited youth” for purposes of child safety and placement.

Article 1, Section 4 (260C.157, subdivision 3) makes technical conforming and clarifying changes.

Article 1, Section 5 (260C.212, subdivision 1a) makes technical clarifying changes and requires the agency placing a child in a QRTP to file with the court its report seeking court approval of the placement in addition to the out-of-home placement plan.

Article 1, Section 6 (260C.212, subdivision 13) makes technical conforming changes to include the federal definition of “commercial sexual exploitation.”

Article 1, Section 7 (260C.452) revises the Successful Transition to Adulthood provisions.

Subdivision 1 adds a definition for “youth” that identifies the potential circumstances under which a youth from age 14 to 23 could qualify for services under this statute. It also describes the areas in which the available services are meant to address needs.

Subdivision 1a identifies which case management services are available to a qualifying youth under the statute.

Subdivision 2 requires development of an independent living plan for youth 14 and older who are receiving support under this section of law, regardless of placement status.

Subdivision 4 makes conforming and clarifying changes.

Subdivision 5 establishes the content and timing of notice requirements for youth 18 or older that leave foster care, to inform the youth of the date upon which services shall end, and any available appeal rights.

Article 1, Section 8 (260C.704) clarifies the responsible social service agency’s duties in distributing an assessment completed by a qualified individual, and in planning a placement for a child in a QRTP or a less restrictive setting.

Article 1, Section 9 (260C.706, paragraph (a), clause (1)) corrects a cross-reference.

Article 1, Section 10 (260C.708) makes technical clarifying changes, and requires that evidence of a family and permanency team’s involvement in the placement assessment and the family and permanency team’s placement preferences be included in an out-of-home placement plan.

Article 1, Section 11 (260C.71) clarifies and expands court approval requirements regarding a child’s placement in a QRTP.

Article 1, Section 12 (260C.712) incorporates additional statutory references in chapter 260D that incorporate review requirements for QRTP placements, and clarifies that the responsible social services agency must submit evidence of the compelling reasons for placing a child in an out-of-state QRTP at each placement review hearing.

Article 1, Section 13 (260C.714) corrects a cross-reference.

Article 1, Section 14 (260E.36, subdivision 1b) requires training regarding sex trafficking and sexual exploitation of children and youth, for all child protection social workers and social services staff with child protection duties.

ARTICLE 2

FAMILY FIRST PREVENTION ACT CHAPTER 260D PROVISIONS

Article 2, Section 1 (260D.01, paragraph (c), paragraph (f)) incorporate references to the statutory sections governing placement of a child in a QRTP, including the provisions governing the

responsible social service agency’s consultation with a child’s parent during assembly of the family and permanency team.

Article 2, Sections 2-3 (260D.05; 260D.06, subdivision 2) incorporate the requirements for the responsible social services agency to submit evidence to the court for a child placed in a QRTP.

Article 2, Section 4 (260D.07, paragraph (c)) includes in the materials required to be submitted with a petition for permanency review regarding a child in voluntary foster care for treatment, any evidence submitted to a court for a matter regarding a child placed in a QRTP.

Article 2, Section 5 (260D.08, paragraph (b)) requires a court to annually review evidence submitted to a court for a child placed in a QRTP, as part of an annual permanency review for a child in voluntary foster care for treatment.

Article 2, Section 6 (260D.14) replaces the term “child” with “youth” and clarifies a cross-reference to the section providing foster care benefits to youth 18 years of age or older.

ARTICLE 3

FAMILY FIRST PREVENTION ACT PROVIDER CERTIFICATION

Article 3, Sections 1-7 add definitions to the human services licensing chapter, chapter 245A, to incorporate terms used frequently in the sections of law implementing the Family First Prevention Act.

Section 1 (245A.02, subdivision 3c) adds a definition for the phrase “at risk of becoming a victim of sex trafficking or commercial sexual exploitation”, the criteria for which the commissioner of human services shall establish.

Section 2 (245A.02, subdivision 4a) adds a definition for the phrase “children’s residential facility” to mean a residential program licensed under chapter 245A or chapter 241.

Section 3 (245A.02, subdivision 6d) adds a definition for “foster family setting” to incorporate the existing meaning in Minnesota Rules, as well as settings licensed by the commissioner of human services or the commissioner of corrections.

Section 4 (245A.02, subdivision 6e) adds a definition for “foster residence setting” to incorporate the existing meaning in Minnesota Rules, as well as settings licensed by the commissioner of human services or the commissioner of corrections.

Section 5 (245A.02, subdivision 18a) adds a definition for “trauma” to mean an event, series of events, or circumstances experienced as physically or emotionally harmful or life-threatening and has lasting adverse effects on the individual’s well-being. It also includes cumulative emotional or psychological harm of group traumatic experiences transmitted across generations often associated with racial and ethnic population groups that have suffered major intergenerational losses. This definition only applies for purposes of Families First program certification under section 245A.25.

Section 6 (245A.02, subdivision 23) adds a definition for “victim of sex trafficking or commercial sexual exploitation” to mean a sex trafficking victim under Minnesota law or a

victim of commercial sexual exploitation under federal law. This definition only applies for purposes of Families First program certification under section 245A.25.

Section 7 (245A.02, subdivision 24) adds a definition for “youth” to mean a “child” as defined in section 260C.007, subdivision 4, including individuals under 21 who continue to live in foster care past the age of 18. This definition only applies for purposes of Families First program certification under section 245A.25.

Article 3, Section 8 (245A.041, subdivision 6) requires children’s residential facilities and foster residence settings to document the first date that a person subject to a background study begins working in that setting.

Article 3, Section 9 [245A.25] establishes the parameters for a program to be certified to receive Title IV-E funding under the Families First Prevention Act.

Subdivision 1 defines the scope of Family First certification for a children’s residential facility or child foster residence setting as one of three types of programs: (1) a QRTP, (2) a residential setting specializing in serving youth who have been or at risk of becoming victims of sex trafficking or commercial sexual exploitation, or (3) a residential setting specializing in prenatal, postpartum, or parenting support for youth. Certification is not available to a foster family setting in which the license holder resides in the foster home, or to a children’s residential facility licensed as a detention setting or secure program. Certifications for foster residence settings may only be issued by the commissioner of human services, not a delegated agency.

Subdivision 2 repeats the three types of certification available, and requires an applicant to submit a request for certification on a form and in a manner prescribed by the commissioner of human services. The commissioner’s certification decision is final and not subject to appeal.

Subdivision 3 requires programs certified as QRTPs or as a setting specializing in serving youth victims of sex trafficking or commercial sexual exploitation to provide services according to a trauma-informed model of care, as defined in paragraph (b).

The program must have a process for identifying signs and symptoms of trauma and must address needs related to trauma, as defined in paragraph (c). Paragraph (d) requires the listed principles of trauma-informed care to be incorporated into a program’s services. Paragraph (e) lists additional specific forms of trauma-based treatment for QRTPs to include in its treatment model.

Paragraph (f) establishes requirements for the provider’s physical, social, and emotional environment. Paragraph (g) requires the program to have policies and procedures describing the listed aspects of the program.

Paragraph (h) requires training for each staff member on trauma-informed care and the impacts of each youth’s culture, race, gender, and sexual orientation on the youth’s behavioral health and traumatic experiences, prior to any direct contact with a youth. The training must be repeated annually.

Subdivision 4 establishes specific programming, staffing, accreditation, service standards, and documentation requirements for programs to be certified as QRTPs.

Subdivision 5 establishes specific programming, service delivery, documentation, and staff training requirements for programs to be certified as settings specializing in serving youth victims of sex trafficking or commercial sexual exploitation.

Subdivision 6 establishes specific programming, service delivery, and documentation requirements for programs to be certified as a setting specializing in prenatal, postpartum, or parenting supports for youth.

Subdivision 7 authorizes the commissioner of human services to monitor, inspect, and review a DHS-licensed program's compliance with the certification requirements to receive federal Title IV-E funding under this section. The commissioner may issue correction orders for noncompliance.

The commissioner of human services may also review the compliance of a DOC-licensed program biennially and may issue correction orders for noncompliance. A correction order must state the conditions that constitute a violation, the specific law or rule violated, and the time allowed to correct the violation. A DOC-licensed program may request reconsideration in writing within 20 days of receiving the correction order. The commissioner's decision on reconsideration is final and not subject to appeal.

Subdivision 8 authorizes the commissioner of human services to decertify a program for failure to comply with the certification requirements in this section. The decertification may be reconsidered upon written request from the license holder. The commissioner's decision regarding a reconsideration of a decertification is final and not subject to appeal.

Subdivision 9 permits the commissioner of human services to grant variances to this section's requirements that do not affect youth health and safety or compliance with federal Title IV-E funding requirements, so long as the variance procedures in section 245A.04, subdivision 9, are satisfied.