

SF4699 - 42A - MN African American Fam. Pres. Act; Select Portion

Chief Author: **Bobby Joe Champion**
 Committee: **Health And Human Services**
 Date Completed: **4/30/2024 7:03:18 PM**
 Lead Agency: **Human Services Dept**
 Other Agencies:
 Supreme Court

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology	X	
Local Fiscal Impact	X	

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative.
 Reductions shown in the parentheses.

State Cost (Savings)		Biennium			Biennium	
Dollars in Thousands		FY2023	FY2024	FY2025	FY2026	FY2027
Human Services Dept						
General Fund	-	-	7,495	2,452	2,357	
State Total						
General Fund	-	-	7,495	2,452	2,357	
Total	-	-	7,495	2,452	2,357	
Biennial Total			7,495		4,809	

Full Time Equivalent Positions (FTE)		Biennium			Biennium	
		FY2023	FY2024	FY2025	FY2026	FY2027
Human Services Dept						
General Fund	-	-	6	18	18	
Total	-	-	6	18	18	

Lead LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Alyssa Holterman Rosas **Date:** 4/30/2024 7:03:18 PM
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State Cost (Savings) Calculation Details

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1 - Expenditures, Absorbed Costs*, Transfers Out*						
Human Services Dept						
General Fund	-	-	7,495	2,452	2,357	
Total	-	-	7,495	2,452	2,357	
Biennial Total			7,495		4,809	
2 - Revenues, Transfers In*						
Human Services Dept						
General Fund	-	-	-	-	-	
Total	-	-	-	-	-	
Biennial Total			-		-	

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General Fund	-	-	6	18	18
Total	-	-	6	18	18

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Alyssa Holterman Rosas **Date:** 4/30/2024 7:02:13 PM
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State Cost (Savings) Calculation Details

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Total	-	-	7,495	2,452	2,357
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General Fund	-	-	-	-	-
Total	-	-	-	-	-
Biennial Total			-		-

Bill Description

This Fiscal Note presents the costs of Article 16 of SF4699-42A. It does not address other sections of the bill

SF716-42A establishes the Minnesota African American Family Preservation and Child Welfare Disproportionality Act to protect the best interests of African American and disproportionately represented children at risk of, or involved in, Minnesota's child welfare system. The bill seeks to promote the stability and security of African American and disproportionately represented children and families by establishing minimum standards to prevent arbitrary and unnecessary removals from their families and improve permanency outcomes, including family reunification for African American and disproportionately represented children.

SF716-42A would modify existing statutes related to: duty to prevent placement and promote family preservation; agency responsibilities to parents; relative placement; and preference for permanency placement with relatives. It would modify eligibility criteria to reestablish parental rights following termination of parental rights; require cultural competency training for individuals working in the child welfare system; require the commissioner to disaggregate data around African American and other child welfare disproportionality; and require child welfare agencies to engage in best practices regarding visitation between African American and other disproportionately represented children in foster care and their parents, siblings, and relatives. It would establish specific duties for the African American Child Well-Being unit, including reports and systemic case reviews for African American children, and for the African American Child Well-Being Advisory Council. This bill requires the commissioner to provide guidance on child welfare outcomes for agencies to use in their annual summary reports to the legislature and the commissioner on their case reviews involving African American and disproportionately represented children; establish the African American and Disproportionately Represented Family Preservation grant program; develop and implement a child welfare compliance portal; develop and publish guidance on best practices around maintaining connections and relationships for African American and disproportionately represented children in foster care; create a pilot program through which the provisions of this bill are scheduled to be implemented two years earlier in Hennepin and Ramsey Counties than the provisions will be implemented in other counties and report to the legislature pilot outcomes, including prevention measures taken for each participating family; create a working group to provide oversight on the pilot and to develop a statewide implementation plan based on evaluation of the cost of the pilot and assumed statewide implementation costs; and report to the legislature on a proposed system developed in consultation with counties and the working group to review county compliance with this Act. This bill also appropriates one-time and ongoing funding. The provisions of the bill will go into effect for all counties on 7/1/26 without an assessment of findings from the pilot.

This proposal would be applicable to African American children and disproportionately represented children as defined in Minnesota Statutes 260.63 as a child whose race, culture, ethnicity or low-income socioeconomic status is disproportionately encountered, engaged, or identified in the child welfare system as compared to the representation in the state's total child population, as determined by the commissioner on an annual basis. A child's race, culture, or ethnicity is determined through their self-identification or their parent's identification on behalf of the child. Given this broad definition, as written, this could include a wide array of children from various populations and demographic groups who may be

overrepresented in child welfare as compared to their representation in the total state population.

Assumptions

SFSF4699-42A will require hiring of new FTEs, a funding increase in the training contract with the University of Minnesota, an evaluation contract, per diems for the members of the African American Child Well-being Advisory Council and changes to SSIS.

For Sections 1-12 and 14-17, Hennepin and Ramsey Counties would be required to implement these new requirements on 7/1/24. All other counties would implement 7/1/26.

The following sections of the bill require additional FTEs for DHS and other costs to implement:

- Sections 4-8 These sections create and change a number of child welfare practice requirements for local agencies, specifically around prevention efforts, child removals, judicial proceedings, placement decisions, and permanency options. As a result, there will likely be an increase in consultation requests from local agencies to DHS in order to clarify practice requirements and determine applicability of the new law. These consultations involve providing expertise in time-sensitive and often complex situations. Some of the increase will be absorbed by existing staff, but new staff will be required as well.
 - o This will require 2 new FTEs (17L.) These costs begin 10/1/24.
- Section 9 This requirement will begin for impacted cases in Hennepin and Ramsey Counties on 7/1/24 and in other counties on 7/1/26. On an annual basis, beginning 11/1/2028, the commissioner will be required to provide guidance on child welfare outcomes that agencies must review in their child welfare case reviews. Given the effective date, no costs are assumed for this section.
- Section 10 The commissioner is directed to develop cultural competency training, establish the frequency and to ensure that training is given to individuals working in the child welfare system.
 - o DHS operates the Child Welfare Training Academy in partnership with the University of Minnesota. Given the intent to implement the pilot in Hennepin and Ramsey counties on 7/1/24, the strategy for implementation of training is methods that can be quickly activated.
 - o Much of the work would occur through the Joint Powers Agreement (JPA) with the University of Minnesota. The total cost of activities funded through the JPA is \$448, 525. The state share is \$206,449 in FY25, \$151,000 in FY26 and \$152,000 in FY26. This includes the following positions and activities:
 - § Increased time of community trainers who are already connected to the existing community trainer pool. (50 cohorts which are each 13 hours, 2 trainers/cohort, \$80/trainer hour.)
 - § University staff to track/report on training requirements and to support increased demand to administer Learning Management System.
 - § University research staff position that would be responsible for training evaluations/reporting, reviewing and refining competency measures, building additional competencies into new worker/new supervisor training and expanding the certification to be inclusive of these competencies. They would also develop plan and measures for ensuring maintenance of competency at recertification benchmarks every 2 years.
 - § Expedited curriculum development and compensation to Subject Matter Experts.
 - § Non-personnel support to University employees supporting this training requirement.
 - o This will require 2 new FTEs (14L and OAS Sr AFSCME Clerical 64) at DHS to coordinate training and oversee scheduling. These DHS positions are included in the cost estimate as state share only. These costs begin 10/1/24.
- Section 11 Duties for the African-American Child Well-Being Advisory Council established.
 - o This will require 1 FTE (14L) to support the Council. The duties include but are not limited drafting the required report; coordination of council deliberations and recommendations; and development of strategies for workforce development. This position will be part of the African American Child Well-Being Unit. Funding from the General Fund begins in FY26.
 - o Current Council compensation is capped at \$3,000 per Council member. At 31 Council members, this amounts to a maximum of \$93,000 per state fiscal year.
 - o
 - § Section 12 assigns duties to the Commissioner-established African American Child Well-Being Unit. Many of the required duties of this unit overlap with duties created in other sections of the bill. The staff whose fulfillment of the overlapping duties that focus on African American Children will form the African American

Child Well-Being Unit. The bill does create a requirement for systemic case reviews to monitor targeted child welfare outcomes, including but not limited to maltreatment, out-of-home placement and permanency of African American children. The reviews must be conducted using random sampling. The frequency of reviews and number of cases, outcomes and selected counties will be determined in consultation with the Advisory Council with consideration given to availability of resources to conduct the reviews.

- o This fiscal note adds one FTE (14L) to conduct on these targeted reviews. This will likely not address the full demand but will allow some resources to be focused on these targeted reviews. This position starts 10/1/24.
- o Some of duties that will be accomplished by the unit will involve disproportionately represented children who are not African American. It is assumed that staff will be distributed across the Child Safety and Permanency Division (CSP) because not all cases will involve African American Children.
- o Four 14Ls are included to carry out the duties of the Unit. These positions begin 7/1/25.
- o One Supervisor (MMA 21K) that starts 7/1/25.
- o The council position will be part of the unit. It is included in section 11, above.
- o \$10,000 for expenses related to providing onsite technical assistance and travel related to community engagement.

• Section 13 The commissioner is directed to establish a grant program to both support existing services and facilitate the development of new services and providers.

- o \$1,000,000 is appropriated for this purpose.
- o It is assumed that administering this grant program would require a minimum of 2 FTEs (14L). One FTE would be for community engagement and one for contract execution, management and compliance.
- o This section is effective 7/1/24. These costs begin 10/1/24.

• Section 16 The commissioner is required to establish a method to disaggregate data related to African American and other child welfare disproportionality.

- o This would require one additional FTE (18L). This position starts 10/1/24.

• Section 17 The commissioner is required to develop, maintain and administer a publicly accessible compliance and feedback portal to receive reports of noncompliance with this Act and other statutes related to child maltreatment, safety and placement.

- o This would require three additional FTEs (14L). One position starts 10/1/24 and the other two start on 7/1/25.

• Section 18 The commissioner is directed to develop and publish guidance on best practices for ensuring that African American and disproportionately represented child in foster care maintain connections with their parents and kin.

• Section 19 Starting 7/1/24, the commissioner is directed to consult with counties and the working group established in section 21 to develop a system to review county compliance with this Act by 1/1/26. The commissioner must report to the legislature on the proposed compliance system review process and language to codify that process in status by 1/1/26.

• Section 20 The commissioner is directed to establish a pilot program that implements most sections of this bill in Hennepin and Ramsey Counties on 7/1/24. The commissioner must report on the outcomes, including the number of participating families, rate of children in out-of-home placement and the measures take to prevent out-of-home placement for each family.

- o This fiscal note assumes the required evaluation would involve contracting with a private research firm. A total cost of \$600,000 is assumed. Due to timeline constraints, the research firm will need to collect data directly from Hennepin and Ramsey Counties. This cost is assumed to be \$200,000/year in FY25, FY26 and FY27. Carry-forward authority will be required for these funds.
- o This section expires on 7/1/27.

• Section 21 -- The commissioner is directed to establish a working group to provide guidance and oversight for the pilot programs in Hennepin and Ramsey Counties. The working group must evaluate the costs of the pilot and assess the future costs. The working group must develop an implementation plan and best practices for statewide implementation of the law.

- o These evaluation requirements are included in the estimated cost for an evaluation contract under Section 19.
- o This fiscal note assumes one FTE (14L) to support the working group. This position starts 10/1/24.

• Section 22 includes appropriations of \$5,000,000 for grants to Hennepin and Ramsey Counties to implement the pilot in

fiscal year 2025; \$1,000,000 in fiscal year 2025 for grants under Minnesota Statutes 260.693.

FTEs that begin in FY25 require an up-front administrative cost of \$17,744, and ongoing monthly administrative costs of \$2,228. Fringe benefits are estimated using the most recent union contracts.

Changes need to be made to SSIS to assist in the documentation of providing active efforts and enhanced relative searches to African American families involved in the child welfare system. These systems changes are estimated to require 2,688 hours of work, take approximately 9 months to complete, and cost of a total of \$329,394 for initial development. State share is assumed at 52%.

SSIS is a statewide system and changes are pushed out statewide during four quarterly releases to all local agencies; changes cannot be released to specific agencies only. Once the changes are in place they will be available to all agencies. Under this bill those changes would not be required for counties other than Hennepin and Ramsey until 7/1/26. As a result, the entry in this new fields will need to be allowed rather than required. At the point of statewide implementation, additional changes would need in SSIS if the decision was made to require the field for users in all counties and tribes.

MNIT assumes that work would start September 15, 2024 with a suggested effective date of October 1, 2025.

This estimate includes the following assumptions:

- The estimated duration and earliest completion date of the proposed project(s) assumes the work is prioritized relative to other legislative and ongoing IT work. If enacted, the completion date of the proposed project(s) will be dependent on the totality of enacted legislative IT work and ongoing IT work.
- The total hours assumed in this fiscal note include the projected time required to complete systems work and a 20% contingency assumption to account for unforeseen business requirements in the development and implementation process.
- In addition to the initial development costs cited above, the systems changes required in this bill will result in increased ongoing maintenance and operations costs, estimated annually at 20% of the total initial development cost.

Expenditure and/or Revenue Formula

Fiscal Tracking Summary (\$000's)						
Fund	BACT	Description	FY2024	FY2025	FY2026	FY2027
1000	12	CFS FTEs (0,6,16,16) not CWTA		1,156	2,818	2,676
	REV1	FFP @ 32%		(370)	(902)	(856)
1000	11	SSIS System updates at 52% state share		171	34	34
1000	12	Training contract with U of M state share		206	151	152
1000	12	CWTA FTEs state share (0, 2, 2, 2)		126	145	145
1000	12	PT contract for evaluation of pilot		200	200	200
1000	REV1	FFP @ 32%		(97)	(97)	(97)
1000	12	Council per diems		93	93	93
1000	12	Non-salary unit expenses		10	10	10
1000	45	Grants		6,000	0	0
		Total Net Fiscal Impact		7,495	2,452	2,357
		Full Time		6	18	18

		Equivalents				
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Long-Term Fiscal Considerations

Local Fiscal Impact

References/Sources

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State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact	X	

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Total		-	-	-	-	-
Biennial Total				-		-

Full Time Equivalent Positions (FTE)		Biennium			Biennium	
		FY2023	FY2024	FY2025	FY2026	FY2027
Total		-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

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Total		-	-	-	-	-
Biennial Total				-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total		-	-	-	-	-
Biennial Total				-		-
2 - Revenues, Transfers In*						
Total		-	-	-	-	-
Biennial Total				-		-

Bill Description

SF4699-42A (MN African American Family Preservation Act; Select Portion) (the "bill") aims to promote the stability and security of African American and disproportionately represented children and their families by establishing minimum standards to prevent "arbitrary and unnecessary" removal of African American and disproportionately represented children (the "children" or "child") from their families. A "disproportionately represented" child is defined as being "an unmarried person who is under the age of 18 and who is a member of a community whose race, culture, ethnicity, disability status, or low-income socioeconomic status is disproportionately encountered, engaged, or identified in the child welfare system as compared to the representation in the state's total child population, as determined on an annual basis by the commissioner." Additionally, a child's race, culture, or ethnicity is determined based upon a child's self-identification or identification of a child's race, culture, or ethnicity as reported by the child's parent or guardian.

The bill establishes a new, higher standard for the responsible social services agency to preserve the child's family, prevent the child's out-of-home placement, and reunify the child with the child's family. This new "active efforts" standard applies to any proceeding that could result in an adoptive placement, foster care placement, preadoptive placement, or a termination of parental rights.

Specific to the Minnesota Judicial Branch, Courts are required to hold a hearing no later than 72 hours after an emergency removal of a child and to hold additional hearings whenever new information indicates an emergency situation has ended. A parent or custodian of a child subject to an emergency hearing must be represented by counsel and the court must appoint counsel if the parent meets the eligibility requirements. Relating to relative placement procedures, the bill indicates the court shall honor a request to forego a court-ordered foster care placement of a child in favor of an informal kinship care arrangement, unless such a request is determined to not be in the best interests of the child. If the court orders the placement of a child in nonrelative foster care, the court's order must specifically state the reasons for doing so. Courts are prohibited from ordering foster care or permanent out-of-home placement of a child alleged to be in need of protection or service unless it finds by clear and convincing evidence that the child would be at risk of "serious emotional damage or physical damage" if the child were to remain in their home. The bill also prohibits the court from terminating the parental rights of a parent of a child based solely on the parent's failure to complete case plan requirements and extends the appeal deadline for parents whose parental rights have been terminated to 90 days.

The bill amends Minn. Stat. § 260C.329, subd. 3 to allow a child who is ten years of age or older, the responsible social services agency, or a guardian ad litem to file a petition for the reestablishment of the legal parent and child relationship, in addition to the county attorney or parent. The bill also allows the court to waive a parent's filing fee pursuant to chapter 563 ("Proceeding In Forma Pauperis") in cases of indigency and eliminates the four-year waiting period before a parent may file a petition for the reestablishment of the legal parent and child relationship.

Section 10 of the bill indicates the commissioner of human services shall collaborate with the Children's Justice Initiative to ensure that cultural competency training is given to individuals working in the child welfare system, including juvenile and family court judges. The training must be available by January 1, 2027.

Section 11 of the bill establishes the formation of an African American Child Well-Being Advisory Council. This body is

responsible for assisting in and making recommendations to the commissioner for developing strategies to reduce maltreatment determinations, prevent unnecessary out-of-home placement, promote culturally appropriate foster care and shelter or facility placement decisions and settings for children in need of out-of-home placement, ensure timely achievement of permanency, and improve child welfare outcomes for children and their families.

Sections 20 and 21 of the bill direct the commissioner of human services to establish a pilot program that implements all provisions of the bill in Hennepin and Ramsey Counties as of July 1, 2024. Additionally, the commissioner of human services must establish a working group to provide guidance and oversight for the pilot project in these counties. The working group must develop an implementation plan and best practices for the Minnesota African American Family Preservation and Child Welfare Disproportionality Act to go into effect statewide in July of 2027.

Assumptions

This bill is intended to apply to certain court proceedings that involve African American and disproportionately represented children. Based on the expansive definition provided for “disproportionately represented children,” it is assumed the provisions of this bill will apply to virtually all CHIPS cases filed with district court. It is anticipated there may be additional hearing time during applicable proceedings dedicated to determining whether or not a child falls under the bill’s definition of an African American or disproportionately represented child. Any increase in an applicable case’s overall time to reach disposition is assumed to be nominal, as proceedings under this bill remain subject to statutory timelines.

In contrast to the current language of Minn. Stat. 260C.163, subd. 3, which requires the appointment of counsel if the parent or guardian “desires” counsel and is financially eligible, this bill provides that a parent or custodian of a child subject to an emergency hearing must be represented by counsel. Despite this difference, it is assumed that the appointment and funding of any counsel pursuant to this bill will be consistent with Minn. Stat. § 260C.163 and be provided at the county’s expense.

This bill requires the court to make specific, additional findings regarding the responsible social service agency’s active efforts. Current law requires the court to make certain findings when ordering an out-of-home permanency placement or an emergency removal. It is assumed this bill may initially impact hearing time and the overall amount of time it takes for the court to issue an order containing all of the required findings due to the new statutory requirements, but this increase will likely be temporary as the procedural requirements become more familiar.

The bill directs the commissioner of human services to collaborate with the Children’s Justice Initiative to ensure that required cultural competency training is given to individuals working in the child welfare system by January 1, 2027. The Children’s Justice Initiative (CJI) is a collaboration between the Minnesota Judicial Branch and the Minnesota Department of Human Services. It is assumed that the commissioner of human services will be solely responsible for developing the required trainings and that the appropriation from the general fund to the commissioner “for the administration of the Minnesota African American Family Preservation and Child Welfare Disproportionality Act” will fund CJI’s involvement.

The bill also eliminates procedural hurdles for parents to file a petition to reestablish parental rights by removing the requirement that the child has been in foster care for at least 4 years after the court issued the order terminating parental rights. It is not anticipated that the removal of this requirement from Minn. Stat. § 260C.329, subd. 3, will result in a noticeable increase of petitions being filed with district court, as this process is rarely utilized by parties. For reference, court filing data demonstrates that an average of 5 petitions per year have been filed under Minn. Stat. 260C.329 since 2021. Any increase in filings would be absorbed by the Minnesota Judicial Branch and would not require additional court staff.

Expenditure and/or Revenue Formula

This bill is not anticipated to have a significant fiscal impact on the Minnesota Judicial Branch, and any potential increase in case filings as a result of this bill will be absorbed.

Long-Term Fiscal Considerations

None.

Local Fiscal Impact

There will be a cost to counties to provide court appointed counsel in these cases. It is not possible to estimate the exact impact or the number of case filings that will require the court to appoint counsel.

References/Sources

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