Senator ..... moves to amend S.F. No. 3970 as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2024, section 256B.055, subdivision 17, is amended to read:

Subd. 17. **Adults who were in foster care at the age of 18, 19, or 20.** (a) Medical assistance may be paid for a person under 26 years of age who was in foster care under the commissioner's responsibility on the date of attaining 18, 19, or 20 years of age or receiving foster care benefits past 18 years of age under section 260C.451, and who was enrolled in medical assistance under the state plan or a waiver of the plan while in foster care, in accordance with section 2004 of the Affordable Care Act.

(b) Medical assistance may be paid for a person under 26 years of age who was in foster care and enrolled in any state's Medicaid program as provided by Public Law 115-271, section 1002.

(c) The commissioner ~~shall~~ must seek federal waiver approval under United States Code, title 42, section 1315, to include youth who were in a state's foster care program and who turned age 18 prior to January 1, 2023, without regard to potential eligibility under a Medicaid mandatory group.

Sec. 2. Minnesota Statutes 2024, section 260C.451, subdivision 1, is amended to read:

Subdivision 1. **Notification.** Six months prior to the child's 18th birthday, the responsible social services agency ~~shall~~ must provide written notice on a form prescribed by the commissioner of children, youth, and families to any child in foster care under this chapter who cannot reasonably be expected to return home or ~~have another legally permanent family~~ be adopted by the age of 18, the child's parents or legal guardian, if any, the child's guardian ad litem, and the child's foster parents of the availability of foster care up to age 21, when the child is eligible under subdivisions 3 and 3a.

Sec. 3. Minnesota Statutes 2024, section 260C.451, subdivision 2, is amended to read:

Subd. 2. **Independent living plan.** ~~Upon the request of~~ (a) For any child in foster care who is 14 years of age or older, the responsible social services agency must, in conjunction with the child and other appropriate parties, develop and update the child's independent living plan required under section 260C.212, subdivision 1, paragraph (c), clause (12).

(b) For any child in foster care immediately prior to the child's 18th birthday ~~and who is in foster care at the time of the request~~, the responsible social services agency ~~shall~~ must, in conjunction with the child and other appropriate parties, update the child's independent living plan required under section 260C.212, subdivision 1, paragraph (c), clause (12), related to the child's employment, vocational, educational, social, or maturational needs and submit it to the court as part of the required review under section 260C.202, subdivision 3. The agency ~~shall~~ must provide continued services and foster care for the child including those services that are necessary to implement the independent living plan.

Sec. 4. Minnesota Statutes 2024, section 260C.451, subdivision 3, is amended to read:

Subd. 3. **Eligibility to continue in foster care.** A child in foster care immediately prior to the child's 18th birthday may continue in foster care past age 18 unless:

(1) the child can safely return home; or

(2) ~~the child is in placement pursuant to the agency's duties under section 256B.092 and Minnesota Rules, parts 9525.0004 to 9525.0016, to meet the child's needs due to a developmental disability or related condition, and the child will be served as an adult under section 256B.092 and Minnesota Rules, parts 9525.0004 to 9525.0016; or~~

~~(3)~~ the child can be adopted or have permanent legal and physical custody transferred to a relative prior to the child's 18th birthday.

Sec. 5. Minnesota Statutes 2024, section 260C.451, subdivision 3a, is amended to read:

Subd. 3a. **Eligibility criteria.** The child must meet at least one of the following conditions to be considered eligible to continue in or return to foster care and remain there to age 21. The child must be:

(1) completing secondary education or a program leading to an equivalent credential, including transition programs through a public or private school;

(2) enrolled in an institution that provides postsecondary or vocational education;

(3) participating in a program or activity designed to promote or remove barriers to employment;

(4) employed for at least 80 hours per month; ~~or~~

(5) incapable of doing any of the activities described in clauses (1) to (4) due to a medical condition; or

(6) receiving benefits under chapter 268B.

Sec. 6. Minnesota Statutes 2024, section 260C.451, subdivision 6, is amended to read:

Subd. 6. **Reentering foster care and accessing services after 18 years of age and up to 21 years of age.** (a) Upon request of an individual who had been under the guardianship of the commissioner and who has left foster care without being adopted, the responsible social services agency which had been the commissioner's agent for purposes of the guardianship shall develop with the individual a plan to increase the individual's ability to live safely and independently using the plan requirements of section 260C.212, subdivision 1, paragraph (c), clause (12), and to assist the individual to meet one or more of the eligibility criteria in subdivision 4 if the individual wants to reenter foster care. The responsible social services agency shall provide foster care as required to implement the plan. The responsible social services agency shall enter into a voluntary placement agreement under section 260C.229 with the individual if the plan includes foster care.

(b) Individuals who had not been under the guardianship of the commissioner of children, youth, and families prior to 18 years of age may ask to reenter foster care after age 18 and the responsible social services agency that had responsibility for planning for the individual before discharge from foster care shall provide foster care or other services to the individual for the purpose of increasing the individual's ability to live safely and independently and to meet the eligibility criteria in subdivision 3a, if the individual:

(1) was in foster care for the six consecutive months prior to the person's 18th birthday, or left foster care within six months prior to the person's 18th birthday, and was not discharged home~~,~~ or adopted~~, or received into a relative's home under a transfer of permanent legal and physical custody under section 260C.515, subdivision 4~~; or

(2) was discharged from foster care while on runaway status after age 15.

(c) In conjunction with a qualifying and eligible individual under paragraph (b) and other appropriate persons, the responsible social services agency shall develop a specific plan related to that individual's vocational, educational, social, or maturational needs and provide foster care as required to implement the plan. The responsible social services agency shall enter into a voluntary placement agreement with the individual if the plan includes foster care.

(d) A child who left foster care while under guardianship of the commissioner of children, youth, and families retains eligibility for foster care for placement at any time prior to 21 years of age.

Sec. 7. Minnesota Statutes 2025 Supplement, section 260C.451, subdivision 8, is amended to read:

Subd. 8. **Notice of termination of foster care.** When a child in foster care between the ages of 18 and 21 ceases to meet one of the eligibility criteria of subdivision 3a, the responsible social services agency ~~shall~~ must give the child written notice that foster care will terminate 30 days from the date the notice is sent. The agency must send a copy of the written notice to the commissioner of children, youth, and families. The child or the child's guardian ad litem may file a motion asking the court to review the agency's determination within 15 days of receiving the notice. The child ~~shall~~ must not be discharged from foster care until the motion is heard. The agency ~~shall work~~ must engage with the child to develop a transition ~~out of foster care~~ plan as required under section 260C.452, subdivision 4, paragraph (d), that addresses the goals listed in section 260C.203, subdivision 4, clause (2). The written notice of termination of benefits ~~shall~~ must be on a form prescribed by the commissioner and ~~shall~~ must also give notice of the right to have the agency's determination reviewed by the court in the proceeding where the court conducts the reviews required under section 260C.203, 260C.317, or 260C.515, subdivision 5 or 6. A copy of the termination notice ~~shall~~ must be sent to the child and the child's attorney, if any, the foster care provider, the child's guardian ad litem, the commissioner of children, youth, and families, and the court. The agency is not responsible for paying foster care benefits for any period of time after the child actually leaves foster care."

Amend the title accordingly