

DCYF Statutory Language Explainer

[Minnesota Session Laws – Chapter 70](#)

Article 12, Section 1 – Children’s Cabinet: Adds the Department of Children, Youth, and Families (DCYF) to the Children’s Cabinet, deletes director of the Office of Strategic and Long Range Planning from the Children’s Cabinet.

Article 12, Sections 2-6 – Adding DCYF to Existing Agency Authorities:

- **Section 2:** Adds the DCYF to the list of state agencies with tribal consultation duties.
- **Section 3:** Adds the DCYF to the list of state agencies designated as departments of the state government.
- **Section 4:** Adds the DCYF to the list of agencies for which rules regarding term appointments, vacancies, and powers of commissioners apply.
- **Section 5:** Adds the commissioner of DCYF to the list of commissioners in Group I, with a salary limit that shall not exceed 133% of the salary of the governor.
- **Section 6:** Adds DCYF to list of agencies for which appointing authorities may designate additional unclassified positions.

Article 12, Section 13 – Definitions: For the purposes of this statute, defines “commissioner” as the commissioner of DCYF and “department” as the DCYF.

Article 12, Section 14 – Creation of the Department of Children, Youth, and Families:

- Subd. 1: Establishes the Department of Children, Youth, and Families on July 1, 2024.
- Subd. 2: Directs transfer and restructuring of agencies to be in accordance with [Minnesota Statutes 2022, section 15.039](#) (*Effect of Transfer of Powers among Agencies*) and [Minnesota Statutes 43A.045](#) (*Restructuring*).
- Subd. 3 : Successor and employee protection clause:
 - (a) States that personnel may be transferred to DCYF with 30 days’ notice, after approval by the DCYF commissioner (starting July 1, 2024).
 - (b) States that before DCYF commissioner appointment, MMB commissioner may transfer personnel beginning July 1, 2024.
 - (c) Employee protection language:
 - Directs that no employee will have a change in employment status or classification as a result of the transfer.
 - Employees represented by an exclusive representative before the transfer will keep that representation, and applicable collective bargaining agreements shall continue.
 - Collected bargaining agreements with exclusive representatives continue in full force after transfer.
 - When an employee in a temporary unclassified position is transferred, the total length of time that the employee has served in the appointment shall include all time served at the transferring agency and the time served in the appointment at the department. A temporary unclassified employee hired by a transferring

agency through an open competitive selection process will also be considered to have been hired through such process after the transfer.

- The state will be obligated to negotiate with exclusive representatives of transferred employees about any changes relating to terms and conditions of employment not already addressed in collective bargaining agreements.
 - In the event that any functions are contracted or transferred out of state operations, a written condition of that transfer would need to ensure employees retain employment, including non-reduced wages and benefits. The state would not be liable for the actions of any non-state entity acquiring functions of the department.
- (d) If departmental changes affect operations of a school district or charter school, employers have the obligation to bargain about any changes to employee contracts.

Article 12, Section 15 – Commissioner:

- Subd. 1: The commissioner of DCYF, appointed by the governor, has administrative control of the agency and powers in line with other agency commissioners, from [Minnesota Statutes 2022, section 15.06](#) (*Appointment of Department Heads; Terms; Deputies*).
- Subd. 2: Duties of the commissioner include:
 - Applying for, accepting, and reporting grant funding
 - Applying for and receiving federal money for the purposes of carrying out responsibilities of the commissioner
 - Ability to make contracts with and grants to Tribal nations, organizations, and individuals
 - Requiring the development and reporting every other year on objectives and performance measures, including:
 - Centering and including the experiences of children and youth, including those with disabilities and mental illness in their families, in all aspects of the department’s work
 - increasing the effectiveness of programs in addressing the needs of children and youth facing racial, economic, or geographic inequities;
 - increasing coordination and reducing inefficiencies among programs and funding sources;
 - increasing alignment and coordination of family access to child care and early learning programs, improving systems of support for early childhood and learning providers and services;
 - improving the connection between DCYF programs and the K-12 and higher education systems; and
 - minimizing and streamlining the effort required of youth and families to receive services.

Article 12, Section 16 – State and County Systems:

- The commissioner of DCYF is charged with establishing and enhancing computer systems necessary for efficient operation of programs, including SNAP and income maintenance program, and the child support enforcement program.

- Development costs for statewide programs must not be assessed against county agencies, but DCYF may charge a county for development and operating costs for functions requested by the county and not mandated by state or federal law.
- The nonfederal share of the costs of operating and maintaining the systems will be distributed to the counties in a way that reflects actual usage, except the nonfederal share of the MAXIS computer system, which will be paid by DCYF.
- The commissioner may enter into contracts with federally recognized tribes in Minnesota to participate in computer systems related to SNAP, income maintenance, and child support enforcement programs.
- A state systems account for DCYF is created in the state treasury, with money collected by DCYF for establishing and enhancing computer systems being deposited into the account.

Article 12, Section 17 – Rulemaking:

- The DCYF commissioner will have rulemaking powers, and must amend Minnesota Rules to make conforming changes as needed (with approval of the commissioners of DHS, MDE, MDH, and DPS for any amendments to or repeal of rules that are administered under the authority of those agencies).
- The rulemaking time limit in section 14.125 is extended to 36 months for the purposes of rules needed to implement the responsibilities transferred or conforming changes related to the transfer of responsibilities.
- The DCYF commissioner may also adopt rules for the administration of activities related to the department, subject to the requirements of chapter 14.

Article 12, Sections 19-20 – State and County Systems:

- Updates the DHS systems account language to strike SNAP and income maintenance program and management of child support enforcement from list of computer systems established and enhanced by DHS commissioner. Section 16 moved these duties to the commissioner of DCYF.
- Adds “for the Department of Human Services” as clarifying language to existing statute about the DHS state systems account created.

Article 12, Section 28 – Appointment of Commissioner

- Designates that the governor shall appoint a commissioner-designee of the DCYF, and that person will become the commissioner of DCYF effective July 1, 2024.

Article 12, Section 29 – Data Practices

- This language is time-limited for 4 years and authorizes data sharing between the new agency and the departments of human services, education, and public safety, limited to data necessary to coordinate activities and services and programs to be transferred. Classification of data will be retained, and existing limitations and legal requirements apply.

Article 12, Section 30 – Transfers from Other Agencies:

- DHS, MDE, and DPS must transition programs identified in this section to DCYF between July 1, 2024 and July 1, 2025, with federal approval where required.
- Effective dates of transfers will be reported to:
 - MMB, Admin, and other relevant departments,
 - the secretary of state,

- the chief clerk of the house of representatives, and
- the chairs and ranking minority members of relevant legislative committees
- The requirement that a state agency must have been in existence for at least one year before being eligible for receiving a transfer of personnel, powers, or duties does not apply to DCYF.
- Unspent balances of appropriations for transferred programs, along with operational functions (including administrative, legal, IT, and personnel support) and a proportional share of base funding will be appropriated to DCYF effective on the transfer date. Funds that are transferred and appropriated to DCYF are part of the agency's base in future years under the same conditions as the original appropriations.
- The DCYF commissioner may request an extension if needed via a written request to the governor. Upon approval from the governor, the transfer may be delayed or canceled. The commissioner who requested the transfer shall submit a notice to relevant legislative committees within ten days of any extensions or cancellations of a transfer.
- The DCYF commissioner must provide four quarterly reports to relevant legislative committees about the status of the transfers. The first of these four reports will cover the quarter starting on July 1, 2024.
- The law cites statutes for responsibilities to be transferred from DHS, MDE, and DPS. An [updated list of programs identified to transfer](#) as of December 2023 includes changes to the original list of programs identified in statute.

Article 12, Section 31 – Transition Report to the Legislature:

- Requires a transition report from the MMB commissioner, due to the legislature by March 1, 2024, addressing the work related to the transfer of programs, the development of interagency agreements, the efforts to secure needed federal approvals, engagement efforts with leaders and staff of affected agencies and governments (including county and Tribal governments and school districts), input from individuals impacted by the programs to be transferred, and plans and timelines. The report must also include:
 - Recommendations (developed in coordination with county and Tribal governments) for how to coordinate and partner with county and Tribal governments, including through the use of a governing authority, such as an intergovernmental advisory committee.
 - Input from stakeholders and recommendation for improving service coordination and delivery for families with children who have disabilities, including coordination across state agencies in the areas of child protection, early education, mental health, disability services and other areas relevant to families with children who have disabilities.

Article 12, Section 35 – Revisor Instruction:

- The revisor must consult commissioners of MMB, DHS, MDE, MDH, and DPS and with nonpartisan legislative offices to identify any changes necessary to Minnesota Statutes and Rules in order to facilitate effective transfers, with draft legislation with statutory changes necessary submitted by February 1, 2024.

Article 20, Section 12: Onetime appropriation of \$11.931M in FY 24 and \$2.066M in FY25 to the commissioner of MMB for supporting the creation of DCYF.

Article 20, Section 13: \$823,000 in FY24 and \$3.521M in FY25 to DCYF.