

[SCS4165A11](#) / [SF 3350](#) (Sen. Mathews)

Amendment Summary – Preserving Families in Child Welfare

The A-11 amendment includes language from the DHS Child Safety and Permanency policy bill r, introduced by Sen. Mathews as [SF 3350](#). It also includes two provisions from [SF 3984](#), also authored by Sen. Mathews, that are intended to eliminate Minnesota’s statutory presumption for terminations of parental rights over other permanency outcomes. ***This summary addresses the DHS provisions.***

Foster care placement should be a last resort for children who cannot remain safely at home with their primary caregivers. Children experiencing foster care are at higher risk of negative outcomes later in life, particularly when they remain in foster care for extended periods, including aging out without achieving permanency. If a child must be removed from their home, placement with relatives and kin preserves family relationships and can reduce trauma for the child and the child’s entire family.

This legislation is intended to maintain family connections and relationships through improved family preservation and relative placement efforts. Specifically, this legislation will strengthen and clarify legal requirements for removing a child from their home by requiring a description of actual agency efforts, including an agency’s assessment of a child’s safety and alternative family- or kin-based arrangements, as part of a court order for removal. It will also strengthen and clarify the relative search, engagement, and consideration process, placement requirements for local agency staff, and court oversight of local agency efforts in this area. Examples of changes or clarifications in this legislation include:

- Requiring a description of agency efforts, including an agency’s assessment of a child’s safety and alternative family- or kin-based arrangements, as part of a court order for removal.
- Ensuring that “reasonable efforts to prevent placement” includes individualized attention to the needs of the child and the child’s family, including acknowledging support of extended family and kin.
- Modifying the definition of relative, acknowledging that many people consider close friends, religious advisors, and other individuals with whom they have significant relationships to be part of their family despite not being legal, biological or marital relatives.
- Clarifying that the “best interest factors” for making placement decisions are to be considered as a whole, that one factor cannot be used to the exclusion of all others, and that the child’s current and future needs and relationships must be taken into consideration.
- Stating clearly that agencies must continue to engage and consider relatives as foster parents and/or permanency resources even after findings are made regarding reasonable efforts to complete relative search requirements.

Expected benefits through passage of this legislation include:

- Reducing the likelihood of unnecessary removals through greater court oversight and prevention efforts.
- Improving opportunities for families to ensure the safety of their children prior to removing them from their homes.
- Placing a greater emphasis on keeping children with their families, rather than non-relative providers.
- Reducing the disparate treatment of African American children and families, and American Indian children and families to whom ICWA does not apply.