

1.1 **Senator Marty from the Committee on Finance, to which was re-referred**

1.2 **S.F. No. 716:** A bill for an act relating to human services; establishing the Minnesota
1.3 African American Family Preservation and Child Welfare Disproportionality Act; modifying
1.4 child welfare provisions; requiring reports; appropriating money; amending Minnesota
1.5 Statutes 2022, section 260C.329, subdivisions 3, 8; proposing coding for new law in
1.6 Minnesota Statutes, chapter 260.

1.7 Reports the same back with the recommendation that the bill be amended as follows:

1.8 Delete everything after the enacting clause and insert:

1.9 "Section 1. [260.61] CITATION.

1.10 Sections 260.61 to 260.693 may be cited as the "Minnesota African American Family
1.11 Preservation and Child Welfare Disproportionality Act."

1.12 **EFFECTIVE DATE.** This section is effective July 1, 2026, except as provided under
1.13 section 20 of this act.

1.14 Sec. 2. [260.62] PURPOSES.

1.15 (a) The purposes of the Minnesota African American Family Preservation and Child
1.16 Welfare Disproportionality Act are to:

1.17 (1) protect the best interests of African American and disproportionately represented
1.18 children;

1.19 (2) promote the stability and security of African American and disproportionately
1.20 represented children and their families by establishing minimum standards to prevent the
1.21 arbitrary and unnecessary removal of African American and disproportionately represented
1.22 children from their families; and

1.23 (3) improve permanency outcomes, including family reunification, for African American
1.24 and disproportionately represented children.

1.25 (b) Nothing in this legislation is intended to interfere with the protections of the Indian
1.26 Child Welfare Act of 1978, United States Code, title 25, sections 1901 to 1963, or the
1.27 Minnesota Indian Family Preservation Act, Minnesota Statutes, sections 260.751 to 260.835.

1.28 **EFFECTIVE DATE.** This section is effective July 1, 2026, except as provided under
1.29 section 20 of this act.

1.30 Sec. 3. [260.63] DEFINITIONS.

1.31 Subdivision 1. **Scope.** The definitions in this section apply to sections 260.61 to 260.693.

2.1 **Subd. 2. Active efforts.** "Active efforts" means a rigorous and concerted level of effort
2.2 that the responsible social services agency must continuously make throughout the time
2.3 that the responsible social services agency is involved with an African American or a
2.4 disproportionately represented child and the child's family. To provide active efforts to
2.5 preserve an African American or a disproportionately represented child's family, the
2.6 responsible social services agency must continuously involve an African American or a
2.7 disproportionately represented child's family in all services for the family, including case
2.8 planning and choosing services and providers, and inform the family of the ability to file a
2.9 report of noncompliance with this act with the commissioner through the child welfare
2.10 compliance and feedback portal. When providing active efforts, a responsible social services
2.11 agency must consider an African American or a disproportionately represented child's
2.12 family's social and cultural values at all times while providing services to the African
2.13 American or disproportionately represented child and the child's family. Active efforts
2.14 includes continuous efforts to preserve an African American or a disproportionately
2.15 represented child's family and to prevent the out-of-home placement of an African American
2.16 or a disproportionately represented child. If an African American or a disproportionately
2.17 represented child enters out-of-home placement, the responsible social services agency must
2.18 make active efforts to reunify the African American or disproportionately represented child
2.19 with the child's family as soon as possible. Active efforts sets a higher standard for the
2.20 responsible social services agency than reasonable efforts to preserve the child's family,
2.21 prevent the child's out-of-home placement, and reunify the child with the child's family.
2.22 Active efforts includes the provision of reasonable efforts as required by Title IV-E of the
2.23 Social Security Act, United States Code, title 42, sections 670 to 679c.

2.24 **Subd. 3. Adoptive placement.** "Adoptive placement" means the permanent placement
2.25 of an African American or a disproportionately represented child made by the responsible
2.26 social services agency upon a fully executed adoption placement agreement, including the
2.27 signatures of the adopting parent, the responsible social services agency, and the
2.28 commissioner of human services according to section 260C.613, subdivision 1.

2.29 **Subd. 4. African American child.** "African American child" means a child having
2.30 origins in Africa, including a child of two or more races who has at least one parent with
2.31 origins in Africa. Whether a child or parent has origins in Africa is based upon
2.32 self-identification or identification of the child's origins by the parent or guardian.

2.33 **Subd. 5. Best interests of the African American or disproportionately represented**
2.34 **child.** The "best interests of the African American or disproportionately represented child"
2.35 means providing a culturally informed practice lens that acknowledges, utilizes, and embraces

the African American or disproportionately represented child's community and cultural norms and allows the child to remain safely at home with the child's family. The best interests of the African American or disproportionately represented child support the child's sense of belonging to the child's family, extended family, kin, and cultural community.

Subd. 6. **Child placement proceeding.** (a) "Child placement proceeding" means any judicial proceeding that could result in:

(1) an adoptive placement;

(2) a foster care placement;

(3) a preadoptive placement; or

(4) a termination of parental rights.

(b) Judicial proceedings under this subdivision include a child's placement based upon a child's juvenile status offense but do not include a child's placement based upon:

(1) an act which if committed by an adult would be deemed a crime; or

(2) an award of child custody in a divorce proceeding to one of the child's parents.

Subd. 7. **Commissioner.** "Commissioner" means the commissioner of human services or the commissioner's designee.

Subd. 8. **Custodian.** "Custodian" means any person who is under a legal obligation to provide care and support for an African American or a disproportionately represented child, or who is in fact providing daily care and support for an African American or a disproportionately represented child. This subdivision does not impose a legal obligation upon a person who is not otherwise legally obligated to provide a child with necessary food, clothing, shelter, education, or medical care.

Subd. 9. **Disproportionality.** "Disproportionality" means the overrepresentation of African American children and other disproportionately represented children in Minnesota's child welfare system population as compared to the representation of those children in Minnesota's total child population.

Subd. 10. **Disproportionately represented child.** "Disproportionately represented child" means 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. A child's race, culture, or ethnicity is determined based

4.1 upon a child's self-identification or identification of a child's race, culture, or ethnicity as
4.2 reported by the child's parent or guardian.

4.3 Subd. 11. **Egregious harm.** "Egregious harm" has the meaning given in section 260E.03,
4.4 subdivision 5.

4.5 Subd. 12. **Foster care placement.** "Foster care placement" means the temporary
4.6 placement in foster care as defined in section 260C.007, subdivision 18, following the
4.7 court-ordered removal of an African American or a disproportionately represented child
4.8 when the parent or legal custodian cannot have the child returned upon demand.

4.9 Subd. 13. **Imminent physical damage or harm.** "Imminent physical damage or harm"
4.10 means that a child is threatened with immediate and present conditions that are
4.11 life-threatening or likely to result in abandonment, sexual abuse, or serious physical injury.

4.12 Subd. 14. **Responsible social services agency.** "Responsible social services agency"
4.13 has the meaning given in section 260C.007, subdivision 27a.

4.14 Subd. 15. **Parent.** "Parent" means the biological parent of an African American or a
4.15 disproportionately represented child or any person who has legally adopted an African
4.16 American or a disproportionately represented child. Parent includes an unmarried father
4.17 whose paternity has been acknowledged or established and a putative father. Paternity has
4.18 been acknowledged when an unmarried father takes any action to hold himself out as the
4.19 biological father of a child.

4.20 Subd. 16. **Preadoptive placement.** "Preadoptive placement" means a responsible social
4.21 services agency's placement of an African American or a disproportionately represented
4.22 child when the child is under the guardianship of the commissioner for the purpose of
4.23 adoption but an adoptive placement agreement for the child has not been fully executed.

4.24 Subd. 17. **Relative.** "Relative" has the meaning given in section 260C.007, subdivision
4.25 27.

4.26 Subd. 18. **Safety network.** "Safety network" means a group of individuals identified by
4.27 the parent and child, when appropriate, that is accountable for developing, implementing,
4.28 sustaining, supporting, or improving a safety plan to protect the safety and well-being of a
4.29 child.

4.30 Subd. 19. **Sexual abuse.** "Sexual abuse" has the meaning given in section 260E.03,
4.31 subdivision 20.

4.32 Subd. 20. **Termination of parental rights.** "Termination of parental rights" means an
4.33 action resulting in the termination of the parent-child relationship under section 260C.301.

5.1 **EFFECTIVE DATE.** This section is effective July 1, 2026, except as provided under
5.2 section 20 of this act.

5.3 Sec. 4. **[260.64] DUTY TO PREVENT OUT-OF-HOME PLACEMENT AND**
5.4 **PROMOTE FAMILY REUNIFICATION.**

5.5 Subdivision 1. **Active efforts.** A responsible social services agency shall make active
5.6 efforts to prevent the out-of-home placement of an African American or a disproportionately
5.7 represented child, eliminate the need for a child's removal from the child's home, and reunify
5.8 an African American or a disproportionately represented child with the child's family as
5.9 soon as practicable.

5.10 Subd. 2. **Safety plan.** (a) Prior to petitioning the court to remove an African American
5.11 or a disproportionately represented child from the child's home under section 260.66, a
5.12 responsible social services agency must work with the child's family to allow the child to
5.13 remain in the child's home while implementing a safety plan based on the family's needs.
5.14 The responsible social services agency must:

5.15 (1) make active efforts to engage the child's parent or custodian and the child, when
5.16 appropriate;

5.17 (2) assess the family's cultural and economic needs;

5.18 (3) hold a family group consultation meeting and connect the family with supports to
5.19 establish a safety network for the family; and

5.20 (4) provide support, guidance, and input to assist the family and the family's safety
5.21 network with developing the safety plan.

5.22 (b) The safety plan must:

5.23 (1) address the specific allegations impacting the child's safety in the home. If neglect
5.24 is alleged, the safety plan must incorporate economic services and supports for the child
5.25 and the child's family, if eligible, to address the family's specific needs and prevent neglect;

5.26 (2) evaluate whether an order for protection under section 518B.01 or other court order
5.27 expelling an allegedly abusive household member from the home of a parent or custodian
5.28 who is not alleged to be abusive will allow the child to safely remain in the home;

5.29 (3) incorporate family and community support to ensure the child's safety while keeping
5.30 the family intact; and

5.31 (4) be adjusted as needed to address the child's and family's ongoing needs and support.

(c) The responsible social services agency is not required to establish a safety plan in a case with allegations of sexual abuse or egregious harm.

Subd. 3. Out-of-home placement prohibited. Unless the court finds by clear and convincing evidence that the child would be at risk of serious physical damage if the child were to remain in the child's home, a court shall not order a foster care or permanent out-of-home placement of an African American or a disproportionately represented child alleged to be in need of protection or services. At each hearing regarding an African American or a disproportionately represented child who is alleged or adjudicated to be in need of child protective services, the court shall review whether the responsible social services agency has provided active efforts to the child and the child's family and shall require the responsible social services agency to provide evidence and documentation that demonstrates that the agency is providing culturally informed, strength-based, community-involved, and community-based services to the child and the child's family.

Subd. 4. Required findings that active efforts were provided. When determining whether the responsible social services agency has made active efforts to preserve the child's family, the court shall make findings regarding whether the responsible social services agency made appropriate and meaningful services available to the child's family based upon the family's specific needs. If a court determines that the responsible social services agency did not make active efforts to preserve the family as required by this section, the court shall order the responsible social services agency to immediately provide active efforts to the child and child's family to preserve the family.

EFFECTIVE DATE. This section is effective July 1, 2026, except as provided under section 20 of this act.

Sec. 5. [260.641] ENSURING FREQUENT VISITATION FOR AFRICAN AMERICAN AND DISPROPORTIONATELY REPRESENTED CHILDREN IN OUT-OF-HOME PLACEMENT.

A responsible social services agency must engage in best practices related to visitation when an African American or a disproportionately represented child is in out-of-home placement. When the child is in out-of-home placement, the responsible social services agency shall make active efforts to facilitate regular and frequent visitation between the child and the child's parents or custodians, the child's siblings, and the child's relatives. If visitation is infrequent between the child and the child's parents, custodians, siblings, or relatives, the responsible social services agency shall make active efforts to increase the frequency of visitation and address any barriers to visitation.

EFFECTIVE DATE. This section is effective July 1, 2026, except as provided under section 20 of this act.

Sec. 6. [260.65] NONCUSTODIAL PARENTS.

(a) Prior to the removal of an African American or a disproportionately represented child from the child's home, the responsible social services agency must make active efforts to identify and locate the child's noncustodial or nonadjudicated parent and the child's relatives to notify the child's parent and relatives that the child is or will be placed in foster care, and provide the child's parent and relatives with a list of legal resources. The notice to the child's noncustodial or nonadjudicated parent and relatives must also include the information required under section 260C.221, subdivision 2, paragraph (b). The responsible social services agency must maintain detailed records of the agency's efforts to notify parents and relatives under this section.

(b) Notwithstanding the provisions of section 260C.219, the responsible social services agency must assess an African American or a disproportionately represented child's noncustodial or nonadjudicated parent's ability to care for the child before placing the child in foster care. If a child's noncustodial or nonadjudicated parent is willing and able to provide daily care for the African American or disproportionately represented child temporarily or permanently, the court shall order that the child be placed in the home of the noncustodial or nonadjudicated parent pursuant to section 260C.178 or 260C.201, subdivision 1. The responsible social services agency must make active efforts to assist a noncustodial or nonadjudicated parent with remedying any issues that may prevent the child from being placed with the noncustodial or nonadjudicated parent.

Sec. 7. [260.66] EMERGENCY REMOVAL.

Subdivision 1. **Emergency removal or placement permitted.** Nothing in this section shall be construed to prevent the emergency removal of an African American or a disproportionately represented child's parent or custodian or the emergency placement of the child in a foster setting in order to prevent imminent physical damage or harm to the child.

Subd. 2. **Petition for emergency removal; placement requirements.** A petition for a court order authorizing the emergency removal or continued emergency placement of an African American or a disproportionately represented child or the petition's accompanying documents must contain a statement of the risk of imminent physical damage or harm to the African American or disproportionately represented child and any evidence that the

8.1 emergency removal or placement continues to be necessary to prevent imminent physical
8.2 damage or harm to the child. The petition or its accompanying documents must also contain
8.3 the following information:

8.4 (1) the name, age, and last known address of the child;

8.5 (2) the name and address of the child's parents and custodians, or, if unknown, a detailed
8.6 explanation of efforts made to locate and contact them;

8.7 (3) the steps taken to provide notice to the child's parents and custodians about the
8.8 emergency proceeding;

8.9 (4) a specific and detailed account of the circumstances that led the agency responsible
8.10 for the emergency removal of the child to take that action; and

8.11 (5) a statement of the efforts that have been taken to assist the child's parents or custodians
8.12 so that the child may safely be returned to their custody.

8.13 Subd. 3. **Emergency proceeding requirements.** (a) The court shall hold a hearing no
8.14 later than 72 hours, excluding weekends and holidays, after the emergency removal of the
8.15 African American or disproportionately represented child. The court shall determine whether
8.16 the emergency removal continues to be necessary to prevent imminent physical damage or
8.17 harm to the child and whether, after considering the child's particular circumstances, the
8.18 imminent physical damage or harm to the child outweighs the harm that the child will
8.19 experience as a result of continuing the emergency removal.

8.20 (b) The court shall hold additional hearings whenever new information indicates that
8.21 the emergency situation has ended. The court shall consider all such new information at
8.22 any court hearing after the emergency proceeding to determine whether the emergency
8.23 removal or placement is no longer necessary to prevent imminent physical damage or harm
8.24 to the child.

8.25 (c) Notwithstanding section 260C.163, subdivision 3, and the provisions of Minnesota
8.26 Rules of Juvenile Protection Procedure, rule 25, a parent or custodian of an African American
8.27 or a disproportionately represented child who is subject to an emergency hearing under this
8.28 section and Minnesota Rules of Juvenile Protection Procedure, rule 30, has a right to counsel
8.29 appointed by the court. The court must appoint qualified counsel to represent a parent if the
8.30 parent meets the eligibility requirements in section 611.17.

8.31 Subd. 4. **Termination of emergency removal or placement.** (a) An emergency removal
8.32 or placement of an African American or a disproportionately represented child must
8.33 immediately terminate once the responsible social services agency or court possesses

sufficient evidence to determine that the emergency removal or placement is no longer necessary to prevent imminent physical damage or harm to the child and the child shall be immediately returned to the custody of the child's parent or custodian. The responsible social services agency or court shall ensure that the emergency removal or placement terminates immediately when the removal or placement is no longer necessary to prevent imminent physical damage or harm to the African American or disproportionately represented child.

(b) An emergency removal or placement ends when the court orders, after service upon the African American or disproportionately represented child's parents or custodian, that the child shall be placed in foster care upon a determination supported by clear and convincing evidence that custody of the child by the child's parent or custodian is likely to result in serious physical damage to the child.

(c) In no instance shall emergency removal or emergency placement of an African American or a disproportionately represented child extend beyond 30 days unless the court finds by a showing of clear and convincing evidence that:

(1) continued emergency removal or placement is necessary to prevent imminent physical damage or harm to the child; and

(2) it has not been possible to initiate a child placement proceeding with all of the protections under sections 260.61 to 260.68.

EFFECTIVE DATE. This section is effective July 1, 2026, except as provided under section 20 of this act.

Sec. 8. [260.67] TRANSFER OF PERMANENT LEGAL AND PHYSICAL CUSTODY; TERMINATION OF PARENTAL RIGHTS; CHILD PLACEMENT PROCEEDINGS.

Subdivision 1. **Preference for transfer of permanent legal and physical custody.** If an African American or a disproportionately represented child cannot be returned to the child's parent, the court shall consider the requirements of and responsibilities under section 260.012, paragraph (a), and, if possible, transfer permanent legal and physical custody of the child to:

(1) a noncustodial parent under section 260C.515, subdivision 4, if the child cannot return to the care of the parent or custodian from whom the child was removed or who had legal custody at the time that the child was placed in foster care; or

(2) a willing and able relative, according to the requirements of section 260C.515, subdivision 4, if the court determines that reunification with the child's family is not an

appropriate permanency option for the child. Prior to the court ordering a transfer of permanent legal and physical custody to a relative who is not a parent, the responsible social services agency must inform the relative of Northstar kinship assistance benefits and eligibility requirements, and of the relative's ability to apply for benefits on behalf of the child under chapter 256N.

Subd. 2. **Termination of parental rights restrictions.** (a) A court shall not terminate the parental rights of a parent of an African American or a disproportionately represented child based solely on the parent's failure to complete case plan requirements.

(b) Except as provided in paragraph (c), a court shall not terminate the parental rights of a parent of an African American or a disproportionately represented child in a child placement proceeding unless the allegations against the parent involve sexual abuse; egregious harm as defined in section 260C.007, subdivision 14; murder in the first, second, or third degree under section 609.185, 609.19, or 609.195; murder of an unborn child in the first, second, or third degree under section 609.2661, 609.2662, or 609.2663; manslaughter of an unborn child in the first or second degree under section 609.2664 or 609.2665; domestic assault by strangulation under section 609.2247; felony domestic assault under section 609.2242 or 609.2243; kidnapping under section 609.25; solicitation, inducement, and promotion of prostitution under section 609.322, subdivision 1, and subdivision 1a if one or more aggravating factors are present; criminal sexual conduct under sections 609.342 to 609.3451; engaging in, hiring, or agreeing to hire a minor to engage in prostitution under section 609.324, subdivision 1; solicitation of children to engage in sexual conduct under section 609.352; possession of pornographic work involving minors under section 617.247; malicious punishment or neglect or endangerment of a child under section 609.377 or 609.378; use of a minor in sexual performance under section 617.246; or failing to protect a child from an overt act or condition that constitutes egregious harm.

(c) The court may terminate the parental rights of a parent of an African American or a disproportionately represented child under section 260C.301, subdivision 1, paragraph (b), clause (4) or (6), if a transfer of permanent legal and physical custody under subdivision 1 is not possible because the child has no willing or able noncustodial parent or relative to whom custody can be transferred.

(d) Nothing in this subdivision precludes the court from terminating the parental rights of a parent of an African American or a disproportionately represented child if the parent desires to voluntarily terminate the parent's own parental rights for good cause under section 260C.301, subdivision 1, paragraph (a).

Subd. 3. **Appeals.** Notwithstanding the Minnesota Rules of Juvenile Protection Procedure, rule 47.02, subdivision 2, a parent of an African American or a disproportionately represented child whose parental rights have been terminated may appeal the decision within 90 days of the service of notice by the court administrator of the filing of the court's order.

Sec. 9. **[260.68] RESPONSIBLE SOCIAL SERVICES AGENCY CONDUCT AND CASE REVIEW.**

Subdivision 1. **Responsible social services agency conduct.** (a) A responsible social services agency employee who has duties related to child protection shall not knowingly:

(1) make untrue statements about any case involving a child alleged to be in need of protection or services;

(2) intentionally withhold any information that may be material to a case involving a child alleged to be in need of protection or services; or

(3) fabricate or falsify any documentation or evidence relating to a case involving a child alleged to be in need of protection or services.

(b) Any of the actions listed in paragraph (a) shall constitute grounds for adverse employment action.

Subd. 2. **Case review.** (a) Each responsible social services agency shall conduct a review of all child welfare cases for African American and other disproportionately represented children handled by the agency. Each responsible social services agency shall create a summary report of trends identified under paragraphs (b) and (c), a remediation plan as provided in paragraph (d), and an update on implementation of any previous remediation plans. The first report shall be provided to the African American Child Well-Being Advisory Council, the commissioner, and the chairs and ranking minority members of the legislative committees with jurisdiction over child welfare by October 1, 2029, and annually thereafter. For purposes of determining outcomes in this subdivision, responsible social services agencies shall use guidance from the commissioner under section 260.63, subdivision 10. The commissioner shall provide guidance starting on November 1, 2028, and annually thereafter.

(b) The case review must include:

(1) the number of African American and disproportionately represented children represented in the county child welfare system;

- 12.1 (2) the number and sources of maltreatment reports received and reports screened in for
12.2 investigation or referred for family assessment and the race of the children and parents or
12.3 custodians involved in each report;
- 12.4 (3) the number and race of children and parents or custodians who receive in-home
12.5 preventive case management services;
- 12.6 (4) the number and race of children whose parents or custodians are referred to
12.7 community-based, culturally appropriate, strength-based, or trauma-informed services;
- 12.8 (5) the number and race of children removed from their homes;
- 12.9 (6) the number and race of children reunified with their parents or custodians;
- 12.10 (7) the number and race of children whose parents or custodians are offered family group
12.11 decision-making services;
- 12.12 (8) the number and race of children whose parents or custodians are offered the parent
12.13 support outreach program;
- 12.14 (9) the number and race of children in foster care or out-of-home placement at the time
12.15 that the data is gathered;
- 12.16 (10) the number and race of children who achieve permanency through a transfer of
12.17 permanent legal and physical custody to a relative or an adoption; and
- 12.18 (11) the number and race of children who are under the guardianship of the commissioner
12.19 or awaiting a permanency disposition.
- 12.20 (c) The required case review must also:
- 12.21 (1) identify barriers to reunifying children with their families;
- 12.22 (2) identify the family conditions that led to the out-of-home placement;
- 12.23 (3) identify any barriers to accessing culturally informed mental health or substance use
12.24 disorder treatment services for the parents or children;
- 12.25 (4) document efforts to identify fathers and maternal and paternal relatives and to provide
12.26 services to custodial and noncustodial fathers, if appropriate; and
- 12.27 (5) document and summarize court reviews of active efforts.
- 12.28 (d) Any responsible social services agency that has a case review showing
12.29 disproportionality and disparities in child welfare outcomes for African American and other
12.30 disproportionately represented children and the children's families, compared to the agency's
12.31 overall outcomes, must include in their case review summary report a remediation plan with

measurable outcomes to identify, address, and reduce the factors that led to the disproportionality and disparities in the agency's child welfare outcomes. The remediation plan shall also include information about how the responsible social services agency will achieve and document trauma-informed, positive child well-being outcomes through remediation efforts.

EFFECTIVE DATE. This section is effective July 1, 2026, except as provided under section 20 of this act.

Sec. 10. [260.69] CULTURAL COMPETENCY TRAINING FOR INDIVIDUALS WORKING WITH AFRICAN AMERICAN AND DISPROPORTIONATELY REPRESENTED CHILDREN.

Subdivision 1. **Applicability.** The commissioner of human services must collaborate with the Children's Justice Initiative to ensure that cultural competency training is given to individuals working in the child welfare system, including child welfare workers, supervisors, attorneys, juvenile court judges, and family law judges.

Subd. 2. **Training.** (a) The commissioner must develop training content and establish the frequency of trainings.

(b) The cultural competency training under this section is required prior to or within six months of beginning work with any African American or disproportionately represented child and their family. A responsible social services agency staff person who is unable to complete the cultural competency training prior to working with African American or disproportionately represented children and their families must work with a qualified staff person within the agency who has completed cultural competency training until the person is able to complete the required training. The training must be available by January 1, 2027, and must:

(1) be provided by an African American individual or individual from a community that is disproportionately represented in the child welfare system who is knowledgeable about African American and other disproportionately represented social and cultural norms and historical trauma;

(2) raise awareness and increase a person's competency to value diversity, conduct a self-assessment, manage the dynamics of difference, acquire cultural knowledge, and adapt to diversity and the cultural contexts of communities served;

(3) include instruction on effectively developing a safety plan and instruction on engaging a safety network; and

14.1 (4) be accessible and comprehensive and include the ability to ask questions.

14.2 (c) The training may be provided in a series of segments, either in person or online.

14.3 Subd. 3. **Update.** The commissioner must provide an update to the chairs and ranking
14.4 minority members of the legislative committees with jurisdiction over child protection by
14.5 July 1, 2027, on the rollout of the training under subdivision 1 and the content and
14.6 accessibility of the training under subdivision 2.

14.7 **EFFECTIVE DATE.** This section is effective July 1, 2026, except as provided under
14.8 section 20 of this act.

14.9 Sec. 11. **[260.691] AFRICAN AMERICAN CHILD WELL-BEING ADVISORY**
14.10 **COUNCIL.**

14.11 Subdivision 1. **Duties.** The African American Child Well-Being Advisory Council must:

14.12 (1) review annual reports related to African American children involved in the child
14.13 welfare system. These reports may include, but are not limited to the maltreatment,
14.14 out-of-home placement, and permanency of African American children;

14.15 (2) assist in and make recommendations to the commissioner for developing strategies
14.16 to reduce maltreatment determinations, prevent unnecessary out-of-home placement, promote
14.17 culturally appropriate foster care and shelter or facility placement decisions and settings for
14.18 African American children in need of out-of-home placement, ensure timely achievement
14.19 of permanency, and improve child welfare outcomes for African American children and
14.20 their families;

14.21 (3) review summary reports on targeted case reviews prepared by the commissioner to
14.22 ensure that responsible social services agencies meet the needs of African American children
14.23 and their families. Based on data collected from those reviews, the council will assist the
14.24 commissioner with developing strategies needed to improve any identified child welfare
14.25 outcomes, including but not limited to maltreatment, out-of-home placement, and permanency
14.26 for African American children;

14.27 (4) assist the Cultural and Ethnic Communities Leadership Council with making
14.28 recommendations to the commissioner and the legislature for public policy and statutory
14.29 changes that specifically consider the needs of African American children and their families
14.30 involved in the child welfare system;

15.1 (5) advise the commissioner on stakeholder engagement strategies and actions that the
15.2 commissioner and responsible social services agencies may take to improve child welfare
15.3 outcomes for African American children and their families;

15.4 (6) assist the commissioner with developing strategies for public messaging and
15.5 communication related to racial disproportionality and disparities in child welfare outcomes
15.6 for African American children and their families;

15.7 (7) assist the commissioner with identifying and developing internal and external
15.8 partnerships to support adequate access to services and resources for African American
15.9 children and their families, including but not limited to housing assistance, employment
15.10 assistance, food and nutrition support, health care, child care assistance, and educational
15.11 support and training; and

15.12 (8) assist the commissioner with developing strategies to promote the development of
15.13 a culturally diverse and representative child welfare workforce in Minnesota that includes
15.14 professionals who are reflective of the community served and who have been directly
15.15 impacted by lived experiences within the child welfare system. The council must also assist
15.16 the commissioner in exploring strategies and partnerships to address education and training
15.17 needs, hiring, recruitment, retention, and professional advancement practices.

15.18 Subd. 2. **Annual report.** By January 1, 2026, and annually thereafter, the council shall
15.19 report to the chairs and ranking minority members of the legislative committees with
15.20 jurisdiction over child protection on the council's activities under subdivision 1 and other
15.21 issues on which the council chooses to report. The report may include recommendations
15.22 for statutory changes to improve the child protection system and child welfare outcomes
15.23 for African American children and families.

15.24 **EFFECTIVE DATE.** This section is effective July 1, 2024.

15.25 Sec. 12. **[260.692] AFRICAN AMERICAN CHILD WELL-BEING UNIT.**

15.26 Subdivision 1. **Duties.** The African American Child Well-Being Unit, currently
15.27 established by the commissioner, must:

15.28 (1) assist with the development of African American cultural competency training and
15.29 review child welfare curriculum in the Minnesota Child Welfare Training Academy to
15.30 ensure that responsible social services agency staff and other child welfare professionals
15.31 are appropriately prepared to engage with African American children and their families and
15.32 to support family preservation and reunification;

16.1 (2) provide technical assistance, including on-site technical assistance, and case
16.2 consultation to responsible social services agencies to assist agencies with implementing
16.3 and complying with the Minnesota African American Family Preservation and Child Welfare
16.4 Disproportionality Act;

16.5 (3) monitor individual county and statewide disaggregated and nondisaggregated data
16.6 to identify trends and patterns in child welfare outcomes, including but not limited to
16.7 reporting, maltreatment, out-of-home placement, and permanency of African American
16.8 children and develop strategies to address disproportionality and disparities in the child
16.9 welfare system;

16.10 (4) develop and implement a system for conducting case reviews when the commissioner
16.11 receives reports of noncompliance with the Minnesota African American Family Preservation
16.12 and Child Welfare Disproportionality Act or when requested by the parent or custodian of
16.13 an African American child. Case reviews may include but are not limited to a review of
16.14 placement prevention efforts, safety planning, case planning and service provision by the
16.15 responsible social services agency, relative placement consideration, and permanency
16.16 planning;

16.17 (5) establish and administer a request for proposals process for African American and
16.18 disproportionately represented family preservation grants under section 260.693, monitor
16.19 grant activities, and provide technical assistance to grantees;

16.20 (6) in coordination with the African American Child Well-Being Advisory Council,
16.21 coordinate services and create internal and external partnerships to support adequate access
16.22 to services and resources for African American children and their families, including but
16.23 not limited to housing assistance, employment assistance, food and nutrition support, health
16.24 care, child care assistance, and educational support and training; and

16.25 (7) develop public messaging and communication to inform the public about racial
16.26 disparities in child welfare outcomes, current efforts and strategies to reduce racial disparities,
16.27 and resources available to African American children and their families involved in the
16.28 child welfare system.

16.29 Subd. 2. **Case reviews.** (a) The African American Child Well-Being Unit must conduct
16.30 systemic case reviews to monitor targeted child welfare outcomes, including but not limited
16.31 to maltreatment, out-of-home placement, and permanency of African American children.

16.32 (b) The reviews under this subdivision must be conducted using a random sampling of
16.33 representative child welfare cases stratified for certain case related factors, including but
16.34 not limited to case type, maltreatment type, if the case involves out-of-home placement,

17.1 and other demographic variables. In conducting the reviews, unit staff may use court records
17.2 and documents, information from the social services information system, and other available
17.3 case file information to complete the case reviews.

17.4 (c) The frequency of the reviews and the number of cases, child welfare outcomes, and
17.5 selected counties reviewed will be determined by the unit in consultation with the African
17.6 American Child Well-Being Advisory Council, with consideration given to the availability
17.7 of unit resources needed to conduct the reviews.

17.8 (d) The unit must monitor all case reviews and use the collective case review information
17.9 and data to generate summary case review reports, ensure compliance with the Minnesota
17.10 African American Family Preservation and Child Welfare Disproportionality Act, and
17.11 identify trends or patterns in child welfare outcomes for African American children.

17.12 (e) The unit must review information from members of the public received through the
17.13 compliance and feedback portal, including policy and practice concerns related to individual
17.14 child welfare cases. After assessing a case concern, the unit may determine if further
17.15 necessary action should be taken, which may include coordinating case remediation with
17.16 other relevant child welfare agencies in accordance with data privacy laws, including the
17.17 African American Child Well-Being Advisory Council, and offering case consultation and
17.18 technical assistance to the responsible local social service agency as needed or requested
17.19 by the agency.

17.20 Subd. 3. **Reports.** (a) The African American Child Well-Being Unit must provide regular
17.21 updates on unit activities, including summary reports of case reviews, to the African
17.22 American Child Well-Being Advisory Council, and must publish an annual census of African
17.23 American children in out-of-home placements statewide. The annual census must include
17.24 data on the types of placements, age and sex of the children, how long the children have
17.25 been in out-of-home placements, and other relevant demographic information.

17.26 (b) The African American Child Well-Being Unit will gather summary data about the
17.27 practice and policy inquiries and individual case concerns received through the compliance
17.28 and feedback portal under subdivision 2, paragraph (e). The unit will provide regular reports
17.29 of the non-identifying compliance and feedback portal summary data to the African American
17.30 Child Well-Being Advisory Council to identify child welfare trends and patterns to assist
17.31 with developing policy and practice recommendations to support eliminating disparity and
17.32 disproportionality for African American children.

17.33 **EFFECTIVE DATE.** This section is effective July 1, 2024.

18.1 Sec. 13. **[260.693] AFRICAN AMERICAN AND DISPROPORTIONATELY**
18.2 **REPRESENTED FAMILY PRESERVATION GRANTS.**

18.3 Subdivision 1. Primary support grants. The commissioner shall establish direct grants
18.4 to organizations, service providers, and programs owned and led by African Americans and
18.5 other individuals from communities disproportionately represented in the child welfare
18.6 system to provide services and support for African American and disproportionately
18.7 represented children and their families involved in Minnesota's child welfare system,
18.8 including supporting existing eligible services and facilitating the development of new
18.9 services and providers, to create a more expansive network of service providers available
18.10 for African American and disproportionately represented children and their families.

18.11 Subd. 2. Eligible services. (a) Services eligible for grants under this section include but
18.12 are not limited to:

18.13 (1) child out-of-home placement prevention and reunification services;

18.14 (2) family-based services and reunification therapy;

18.15 (3) culturally specific individual and family counseling;

18.16 (4) court advocacy;

18.17 (5) training and consultation to responsible social services agencies and private social
18.18 services agencies regarding this act;

18.19 (6) development and promotion of culturally informed, affirming, and responsive
18.20 community-based prevention and family preservation services that target the children, youth,
18.21 families, and communities of African American and African heritage experiencing the
18.22 highest disparities, disproportionality, and overrepresentation in the Minnesota child welfare
18.23 system;

18.24 (7) culturally affirming and responsive services that work with children and families in
18.25 their communities to address their needs and ensure child and family safety and well-being
18.26 within a culturally appropriate lens and framework;

18.27 (8) services to support informal kinship care arrangements; and

18.28 (9) other activities and services approved by the commissioner that further the goals of
18.29 the Minnesota African American Family Preservation and Child Welfare Disproportionality
18.30 Act, including but not limited to the recruitment of African American staff and staff from
18.31 other communities disproportionately represented in the child welfare system to work for
18.32 responsible social services agencies and licensed child-placing agencies.

(b) The commissioner may specify the priority of an activity and service based on its success in furthering these goals. The commissioner shall give preference to programs and service providers that are located in or serve counties with the highest rates of child welfare disproportionality for African American and other disproportionately represented children and their families and employ staff who represent the population primarily served.

Subd. 3. **Ineligible services.** Grant money may not be used to supplant funding for existing services or for the following purposes:

(1) child day care that is necessary solely because of the employment or training for employment of a parent or another relative with whom the child is living;

(2) foster care maintenance or difficulty of care payments;

(3) residential treatment facility payments;

(4) adoption assistance or Northstar kinship assistance payments under chapter 259A or 256N;

(5) public assistance payments for Minnesota family investment program assistance, supplemental aid, medical assistance, general assistance, general assistance medical care, or community health services; or

(6) administrative costs for income maintenance staff.

Subd. 4. **Requests for proposals.** The commissioner shall request proposals for grants under subdivisions 1, 2, and 3 and specify the information and criteria required.

EFFECTIVE DATE. This section is effective July 1, 2024.

Sec. 14. Minnesota Statutes 2022, section 260C.329, subdivision 3, is amended to read:

Subd. 3. **Petition.** The county attorney ~~or~~, a parent whose parental rights were terminated under a previous order of the court, a child who is ten years of age or older, the responsible social services agency, or a guardian ad litem may file a petition for the reestablishment of the legal parent and child relationship. A parent filing a petition under this section shall pay a filing fee in the amount required under section 357.021, subdivision 2, clause (1). The filing fee may be waived pursuant to chapter 563. A petition for the reestablishment of the legal parent and child relationship may be filed when:

~~(1) in cases where the county attorney is the petitioning party, both the responsible social services agency and the county attorney agree that reestablishment of the legal parent and child relationship is in the child's best interests;~~

20.1 ~~(2)~~ (1) the parent has corrected the conditions that led to an order terminating parental
20.2 rights;

20.3 ~~(3)~~ (2) the parent is willing and has the capability to provide day-to-day care and maintain
20.4 the health, safety, and welfare of the child;

20.5 ~~(4)~~ (3) the child has been in foster care for at least ~~48~~ 24 months after the court issued
20.6 the order terminating parental rights;

20.7 ~~(5)~~ (4) the child has not been adopted; and

20.8 ~~(6)~~ (5) the child is not the subject of a written adoption placement agreement between
20.9 the responsible social services agency and the prospective adoptive parent, as required under
20.10 Minnesota Rules, part 9560.0060, subpart 2.

20.11 **EFFECTIVE DATE.** This section is effective July 1, 2026, except as provided under
20.12 section 20 of this act.

20.13 Sec. 15. Minnesota Statutes 2022, section 260C.329, subdivision 8, is amended to read:

20.14 Subd. 8. **Hearing.** The court may grant the petition ordering the reestablishment of the
20.15 legal parent and child relationship only if it finds by clear and convincing evidence that:

20.16 (1) reestablishment of the legal parent and child relationship is in the child's best interests;

20.17 (2) the child has not been adopted;

20.18 (3) the child is not the subject of a written adoption placement agreement between the
20.19 responsible social services agency and the prospective adoptive parent, as required under
20.20 Minnesota Rules, part 9560.0060, subpart 2;

20.21 (4) at least ~~48~~ 24 months have elapsed following a final order terminating parental rights
20.22 and the child remains in foster care;

20.23 (5) the child desires to reside with the parent;

20.24 (6) the parent has corrected the conditions that led to an order terminating parental rights;
20.25 and

20.26 (7) the parent is willing and has the capability to provide day-to-day care and maintain
20.27 the health, safety, and welfare of the child.

20.28 **EFFECTIVE DATE.** This section is effective July 1, 2026, except as provided under
20.29 section 20 of this act.

21.1 Sec. 16. **DIRECTION TO COMMISSIONER OF HUMAN SERVICES;**
21.2 **DISAGGREGATE DATA.**

21.3 The commissioner of human services must establish a process to improve the
21.4 disaggregation of data to monitor child welfare outcomes for African American and other
21.5 disproportionately represented children in the child welfare system. The commissioner must
21.6 begin disaggregating data by January 1, 2027.

21.7 **EFFECTIVE DATE.** This section is effective July 1, 2026.

21.8 Sec. 17. **CHILD WELFARE COMPLIANCE AND FEEDBACK PORTAL.**

21.9 The commissioner of human services shall develop, maintain, and administer a publicly
21.10 accessible online compliance and feedback portal to receive reports of noncompliance with
21.11 the Minnesota African American Family Preservation and Child Welfare Disproportionality
21.12 Act under Minnesota Statutes, sections 260.61 to 260.69, and other statutes related to child
21.13 maltreatment, safety, and placement. Reports received through the portal must be transferred
21.14 for review and further action to the appropriate unit or department within the Department
21.15 of Human Services, including but not limited to the African American Child Well-Being
21.16 Unit.

21.17 **EFFECTIVE DATE.** This section is effective July 1, 2026, except as provided under
21.18 section 20 of this act.

21.19 Sec. 18. **DIRECTION TO COMMISSIONER; MAINTAINING CONNECTIONS**
21.20 **IN FOSTER CARE BEST PRACTICES.**

21.21 The commissioner of human services shall develop and publish guidance on best practices
21.22 for ensuring that African American and disproportionately represented children in foster
21.23 care maintain connections and relationships with their parents, custodians, and extended
21.24 relatives. The commissioner shall also develop and publish best practice guidance on
21.25 engaging and assessing noncustodial and nonadjudicated parents to care for their African
21.26 American or disproportionately represented children who cannot remain with the children's
21.27 custodial parents.

21.28 **EFFECTIVE DATE.** This section is effective July 1, 2026, except as provided under
21.29 section 20 of this act.

22.1 Sec. 19. **DIRECTION TO THE COMMISSIONER; COMPLIANCE SYSTEM**

22.2 **REVIEW DEVELOPMENT.**

22.3 (a) By January 1, 2026, the commissioner of human services, in consultation with counties
22.4 and the working group established under section 21 of this act, must develop a system to
22.5 review county compliance with the Minnesota African American Family Preservation and
22.6 Child Welfare Disproportionality Act. The system may include, but is not limited to, the
22.7 cases to be reviewed, the criteria to be reviewed to demonstrate compliance, the rate of
22.8 noncompliance and the coordinating penalty, the program improvement plan, and training.

22.9 (b) By January 1, 2026, the commissioner of human services must provide a report to
22.10 the chairs and ranking minority members of the legislative committees with jurisdiction
22.11 over child welfare on the proposed compliance system review process and language to
22.12 codify that process in statute.

22.13 **EFFECTIVE DATE.** This section is effective July 1, 2024.

22.14 Sec. 20. **MINNESOTA AFRICAN AMERICAN FAMILY PRESERVATION AND**
22.15 **CHILD WELFARE DISPROPORTIONALITY ACT; PHASE-IN PROGRAMS.**

22.16 (a) The commissioner of human services must establish a phase-in program that
22.17 implements sections 1 to 18 in Hennepin and Ramsey Counties.

22.18 (b) The commissioner of human services must report on the outcomes of the phase-in
22.19 program, including the number of participating families, the rate of children in out-of-home
22.20 placement, and the measures taken to prevent out-of-home placement for each participating
22.21 family to the chairs and ranking minority members of the legislative committees with
22.22 jurisdiction over child welfare.

22.23 (c) Sections 1 to 18 are effective July 1, 2024, for purposes of this phase-in program.

22.24 (d) This section expires July 1, 2027.

22.25 **EFFECTIVE DATE.** This section is effective July 1, 2024.

22.26 Sec. 21. **MINNESOTA AFRICAN AMERICAN FAMILY PRESERVATION AND**
22.27 **CHILD WELFARE DISPROPORTIONALITY ACT; WORKING GROUP.**

22.28 (a) The commissioner of human services must establish a working group to provide
22.29 guidance and oversight for the Minnesota African American Family Preservation and Child
22.30 Welfare Disproportionality Act phase-in programs in Hennepin and Ramsey Counties.

23.1 (b) The members of the working group must include representatives from the Minnesota
 23.2 Association of County Social Service Administrators, the Association of Minnesota Counties,
 23.3 Hennepin County, Ramsey County, the Department of Human Services, and community
 23.4 organizations with experience in child welfare. The legislature may provide recommendations
 23.5 to the commissioner on the selection of the representatives from the community organizations.

23.6 (c) The working group must provide oversight of the phase-in program and evaluate the
 23.7 cost of the phase-in program. The working group must also assess future costs of
 23.8 implementing the Minnesota African American Family Preservation and Child Welfare
 23.9 Disproportionality Act statewide.

23.10 (d) By June 30, 2026, the working group must develop an implementation plan and best
 23.11 practices for the Minnesota African American Family Preservation and Child Welfare
 23.12 Disproportionality Act to go into effect statewide.

23.13 **EFFECTIVE DATE.** This section is effective July 1, 2024.

23.14 Sec. 22. **APPROPRIATIONS; MINNESOTA AFRICAN AMERICAN FAMILY**
 23.15 **PRESERVATION AND CHILD WELFARE DISPROPORTIONALITY ACT.**

23.16 (a) \$5,000,000 in fiscal year 2025 is appropriated from the general fund to the
 23.17 commissioner of human services for grants to Hennepin and Ramsey Counties to implement
 23.18 the Minnesota African American Family Preservation and Child Welfare Disproportionality
 23.19 Act phase-in programs. This is a onetime appropriation and is available until June 30, 2026.

23.20 (b) \$1,000,000 in fiscal year 2025 is appropriated from the general fund to the
 23.21 commissioner of human services for the African American and disproportionately represented
 23.22 family preservation grant program under Minnesota Statutes, section 260.693.
 23.23 Notwithstanding Minnesota Statutes, section 16B.98, subdivision 14, the amount for
 23.24 administrative costs under this paragraph is \$0.

23.25 (c) \$1,967,000 in fiscal year 2025 is appropriated from the general fund to the
 23.26 commissioner of human services to implement the African American Family Preservation
 23.27 and Child Welfare Disproportionality Act. The general fund base for this appropriation is
 23.28 \$3,451,000 in fiscal year 2026 and \$3,310,000 in fiscal year 2027."

23.29 Amend the title numbers accordingly

23.30 And when so amended the bill do pass. Amendments adopted. Report adopted.

23.31
 23.32



 (Committee Chair)

24.1

24.2

May 6, 2024.....
(Date of Committee recommendation)