

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 716

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DATE D-PG OFFICIAL STATUS

01/25/2023	376	Introduction and first reading Referred to Health and Human Services
02/01/2023	575	Author added Kunesh
02/12/2024	11559	Author added Murphy
02/19/2024	11659	Author added Maye Quade
03/07/2024	12064	Author added Abeler
03/18/2024	12368a	Comm report: To pass as amended and re-refer to Judiciary and Public Safety
04/02/2024	12898a	Comm report: To pass as amended and re-refer to Finance

1.1

A bill for an act

1.2

relating to human services; establishing the Minnesota African American Family

1.3

Preservation and Child Welfare Disproportionality Act; modifying child welfare

1.4

provisions; requiring reports; appropriating money; amending Minnesota Statutes

1.5

2022, section 260C.329, subdivisions 3, 8; proposing coding for new law in

1.6

Minnesota Statutes, chapter 260.

1.7

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8

Section 1. [260.61] CITATION.

1.9

Sections 260.61 to 260.695 may be cited as the "Minnesota African American Family

1.10

Preservation and Child Welfare Disproportionality Act."

1.11

Sec. 2. [260.62] PURPOSES.

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(a) The purposes of the Minnesota African American Family Preservation and Child

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Welfare Disproportionality Act are to:

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(1) protect the best interests of African American and disproportionately represented

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children;

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(2) promote the stability and security of African American and disproportionately

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represented children and their families by establishing minimum standards to prevent the

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arbitrary and unnecessary removal of African American and disproportionately represented

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children from their families; and

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(3) improve permanency outcomes, including family reunification, for African American

1.21

and disproportionately represented children.

(b) Nothing in this legislation is intended to interfere with the protections of the Indian Child Welfare Act of 1978, United States Code, title 25, sections 1901 to 1963.

Sec. 3. **[260.63] DEFINITIONS.**

Subdivision 1. **Scope.** The definitions in this section apply to sections 260.61 to 260.695.

Subd. 2. **Active efforts.** "Active efforts" means a rigorous and concerted level of effort that the responsible social services agency must continuously make throughout the time that the responsible social services agency is involved with an African American or a disproportionately represented child and the child's family. To provide active efforts to preserve an African American or a disproportionately represented child's family, the responsible social services agency must continuously involve an African American or a disproportionately represented child's family in all services for the family, including case planning and choosing services and providers, and inform the family of the ability to request a case review by the commissioner under section 260.694. When providing active efforts, a responsible social services agency must consider an African American or a disproportionately represented family's social and cultural values at all times while providing services to the African American or disproportionately represented child and family. Active efforts includes continuous efforts to preserve an African American or a disproportionately represented child's family and to prevent the out-of-home placement of an African American or a disproportionately represented child. If an African American or a disproportionately represented child enters out-of-home placement, the responsible social services agency must make active efforts to reunify the African American or disproportionately represented child with the child's family as soon as possible. Active efforts sets a higher standard for the responsible social services agency than reasonable efforts to preserve the child's family, prevent the child's out-of-home placement, and reunify the child with the child's family. Active efforts includes the provision of reasonable efforts as required by Title IV-E of the Social Security Act, United States Code, title 42, sections 670 to 679c.

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

Subd. 4. **African American child.** "African American child" means a child having origins in Africa, including a child of two or more races who has at least one parent with origins in Africa.

3.1 Subd. 5. **Best interests of the African American or disproportionately represented**
3.2 **child.** The "best interests of the African American or disproportionately represented child"
3.3 means providing a culturally informed practice lens that acknowledges, utilizes, and embraces
3.4 the African American or disproportionately represented child's community and cultural
3.5 norms and allows the child to remain safely at home with the child's family. The best interests
3.6 of the African American or disproportionately represented child support the child's sense
3.7 of belonging to the child's family, extended family, kin, and cultural community.

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

3.10 (1) an adoptive placement;

3.11 (2) a foster care placement;

3.12 (3) a preadoptive placement; or

3.13 (4) a termination of parental rights.

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

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

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

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

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

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

3.30 Subd. 10. **Disproportionately represented child.** "Disproportionately represented child"
3.31 means 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.

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

Subd. 12. **Foster care placement.** "Foster care placement" means the court-ordered removal of an African American or a disproportionately represented child from the child's home with the child's parent or legal custodian and the temporary placement of the child in a foster home, in shelter care or a facility, or in the home of a guardian, when the parent or legal custodian cannot have the child returned upon demand, but the parent's parental rights have not been terminated. A foster care placement includes an order placing the child under the guardianship of the commissioner, pursuant to section 260C.325, prior to an adoption being finalized.

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

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

Subd. 15. **Parent.** "Parent" means the biological parent of an African American or a disproportionately represented child or any person who has legally adopted an African American or a disproportionately represented child who, prior to the adoption, was considered a relative to the child, as defined in subdivision 16. Parent includes an unmarried father whose paternity has been acknowledged or established and a putative father. Paternity has been acknowledged when an unmarried father takes any action to hold himself out as the biological father of a child.

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

Subd. 17. **Relative.** "Relative" means:

(1) an individual related to the child by blood, marriage, or adoption;

(2) a legal parent, guardian, or custodian of the child's sibling;

(3) an individual who is an important friend of the child or child's family with whom the child has resided or has had significant contact; or

(4) an individual who the child or the child's family identify as related to the child's family.

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

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

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

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

(a) A responsible social services agency shall make active efforts to prevent the out-of-home placement of an African American or a disproportionately represented child, eliminate the need for a child's removal from the child's home, and reunify an African American or a disproportionately represented child with the child's family as soon as practicable.

(b) Prior to petitioning the court to remove an African American or a disproportionately represented child from the child's home, a responsible social services agency must work with the child's family to allow the child to remain in the child's home while implementing a safety plan based on the family's needs. The responsible social services agency must:

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

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

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

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

(c) The safety plan must:

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

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

(3) be adjusted as needed to address the child's and family's ongoing needs and support. The responsible social services agency is not required to establish a safety plan in a case with allegations of sexual abuse or egregious harm.

(d) Unless the court finds by clear and convincing evidence that the child would be at risk of serious emotional damage or 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.

(e) 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.

Sec. 5. [260.65] NONCUSTODIAL PARENTS; TEMPORARY OUT-OF-HOME PLACEMENT.

(a) Prior to or within 48 hours of 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. 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.

(c) If an African American or a disproportionately represented child's noncustodial or nonadjudicated parent is unwilling or unable to provide daily care for the child and the court has determined that the child's continued placement in the home of the child's noncustodial or nonadjudicated parent would endanger the child's health, safety, or welfare, the child's parent, custodian, or the child, when appropriate, has the right to select one or more relatives who may be willing and able to provide temporary care for the child. The responsible social services agency must place the child with a selected relative after assessing the relative's willingness and ability to provide daily care for the child. If selected relatives are not available or there is a documented safety concern with the relative placement, the responsible social services agency shall consider additional relatives for the child's placement.

(d) The responsible social services agency must inform selected relatives and the child's parent or custodian of the difference between informal kinship care arrangements and court-ordered foster care. If a selected relative and the child's parent or custodian request an informal kinship care arrangement for a child's placement instead of court-ordered foster care and such an arrangement will maintain the child's safety and well-being, the responsible social services agency shall comply with the request and inform the court of the plan for the child. The court shall honor the request to forego a court-ordered foster care placement of the child in favor of an informal kinship care arrangement, unless the court determines that the request is not in the best interests of the African American or disproportionately represented child.

(e) The responsible social services agency must make active efforts to support relatives with whom a child is placed in completing the child foster care licensure process and addressing barriers, disqualifications, or other issues affecting the relatives' licensure, including but not limited to assisting relatives with requesting reconsideration of a disqualification under section 245C.21.

(f) The decision by a relative not to be considered as an African American or a disproportionately represented child's foster care or temporary placement option shall not be a basis for the responsible social services agency or the court to rule out the relative for placement in the future or for denying the relative's request to be considered or selected as a foster care or permanent placement for the child.

Sec. 6. **[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 emergency removal or placement continues to be necessary to prevent imminent physical damage or harm to the child. The petition or its accompanying documents must also contain the following information:

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

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

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

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

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

9.1 Subd. 3. **Emergency proceeding requirements.** (a) The court shall hold a hearing no
9.2 later than 72 hours, excluding weekends and holidays, after the emergency removal of an
9.3 African American or a disproportionately represented child. The court shall determine
9.4 whether the emergency removal continues to be necessary to prevent imminent physical
9.5 damage or harm to the child.

9.6 (b) The court shall hold additional hearings whenever new information indicates that
9.7 the emergency situation has ended. At any court hearing after the emergency proceeding,
9.8 the court must determine whether the emergency removal or placement is no longer necessary
9.9 to prevent imminent physical damage or harm to the child.

9.10 (c) Notwithstanding section 260C.163, subdivision 3, and the provisions of Minnesota
9.11 Rules of Juvenile Protection Procedure, rule 25, a parent or custodian of an African American
9.12 or a disproportionately represented child who is subject to an emergency hearing under this
9.13 section and Minnesota Rules of Juvenile Protection Procedure, rule 30, must be represented
9.14 by counsel. The court must appoint qualified counsel to represent a parent if the parent
9.15 meets the eligibility requirements in section 611.17.

9.16 Subd. 4. **Termination of emergency removal or placement.** (a) An emergency removal
9.17 or placement of an African American or a disproportionately represented child must
9.18 immediately terminate once the responsible social services agency or court possesses
9.19 sufficient evidence to determine that the emergency removal or placement is no longer
9.20 necessary to prevent imminent physical damage or harm to the child and the child shall be
9.21 immediately returned to the custody of the child's parent or custodian. The responsible social
9.22 services agency or court shall ensure that the emergency removal or placement terminates
9.23 immediately when the removal or placement is no longer necessary to prevent imminent
9.24 physical damage or harm to the African American or disproportionately represented child.

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

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

9.33 (1) continued emergency removal or placement is necessary to prevent imminent physical
9.34 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.

Sec. 7. [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, 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) 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

11.1 to engage in sexual conduct under section 609.352; possession of pornographic work
11.2 involving minors under section 617.247; malicious punishment or neglect or endangerment
11.3 of a child under section 609.377 or 609.378; use of a minor in sexual performance under
11.4 section 617.246; or failing to protect a child from an overt act or condition that constitutes
11.5 egregious harm.

11.6 (c) Nothing in this subdivision precludes the court from terminating the parental rights
11.7 of a parent of an African American or a disproportionately represented child if the parent
11.8 desires to voluntarily terminate the parent's own parental rights for good cause under section
11.9 260C.301, subdivision 1, paragraph (a).

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

11.14 Sec. 8. **[260.68] RESPONSIBLE SOCIAL SERVICES AGENCY CONDUCT AND**
11.15 **CASE REVIEW.**

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

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

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

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

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

11.26 Subd. 2. **Commissioner notification.** (a) When a responsible social services agency
11.27 makes a maltreatment determination involving an African American or a disproportionately
11.28 represented child or places an African American or a disproportionately represented child
11.29 in a foster care placement, the agency shall, within seven days of making a maltreatment
11.30 determination or initiating the child's foster care placement, notify the commissioner of the
11.31 maltreatment determination or foster care placement and of the steps that the agency has
11.32 taken to investigate and remedy the conditions that led to the maltreatment determination
11.33 or foster care placement. Upon receiving this notice, the commissioner shall review the

12.1 responsible social services agency's handling of the child's case to ensure that the case plan
12.2 and services address the unique needs of the child and the child's family and that the agency
12.3 is making active efforts to reunify and preserve the child's family. At all stages of a case
12.4 involving an African American or a disproportionately represented child, the responsible
12.5 social services agency shall, upon request, fully cooperate with the commissioner and, as
12.6 appropriate and as permitted under statute, provide access to all relevant case files.

12.7 (b) In any adoptive or preadoptive placement proceeding involving an African American
12.8 or a disproportionately represented child under the guardianship of the commissioner, the
12.9 responsible social services agency shall notify the commissioner of the pending proceeding
12.10 and of the right of intervention. The notice must include the identity of the child and the
12.11 child's parents whose parental rights were terminated or who consented to the child's
12.12 adoption. Upon receipt of the notice, the commissioner shall review the case to ensure that
12.13 the requirements of this act have been met. When the responsible social services agency
12.14 has identified a nonrelative as an African American or a disproportionately represented
12.15 child's adoptive placement, no preadoptive or adoptive placement proceeding may be held
12.16 until at least 30 days after the commissioner receives the required notice or until an adoption
12.17 home study can be completed for a relative adoption, whichever occurs first. If the
12.18 commissioner requests additional time to prepare for the proceeding, the district court must
12.19 grant the commissioner up to 30 additional days to prepare for the proceeding. In cases in
12.20 which a responsible social services agency or party to a preadoptive or adoptive placement
12.21 knows or has reason to believe that a child is or may be African American or a
12.22 disproportionately represented child, proof of service upon the commissioner must be filed
12.23 with the adoption petition.

12.24 Subd. 3. **Case review.** (a) Each responsible social services agency shall conduct a review
12.25 of all child protection cases handled by the agency every 24 months, after establishing a
12.26 2024 baseline. The responsible social services agency shall report the agency's findings to
12.27 the county board, related child welfare committees, the Children's Justice Initiative team,
12.28 the commissioner, and community stakeholders within six months of gathering the relevant
12.29 case data. The case review must include:

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

12.32 (2) the number and sources of maltreatment reports received and reports screened in for
12.33 investigation or referred for family assessment and the race of the children and parents or
12.34 custodians involved in each report;

- 13.1 (3) the number and race of children and parents or custodians who receive in-home
13.2 preventive case management services;
- 13.3 (4) the number and race of children whose parents or custodians are referred to
13.4 community-based, culturally appropriate, strength-based, or trauma-informed services;
- 13.5 (5) the number and race of children removed from their homes;
- 13.6 (6) the number and race of children reunified with their parents or custodians;
- 13.7 (7) the number and race of children whose parents or custodians are offered family group
13.8 decision-making services;
- 13.9 (8) the number and race of children whose parents or custodians are offered the parent
13.10 support outreach program;
- 13.11 (9) the number and race of children in foster care or out-of-home placement at the time
13.12 that the data is gathered;
- 13.13 (10) the number and race of children who achieve permanency through a transfer of
13.14 permanent legal and physical custody to a relative, a legal guardianship, or an adoption;
13.15 and
- 13.16 (11) the number and race of children who are under the guardianship of the commissioner
13.17 or awaiting a permanency disposition.
- 13.18 (b) The required case review must also:
- 13.19 (1) identify barriers to reunifying children with their families;
- 13.20 (2) identify the family conditions that led to the out-of-home placement;
- 13.21 (3) identify any barriers to accessing culturally informed mental health or substance use
13.22 disorder treatment services for the parents or children;
- 13.23 (4) document efforts to identify fathers and maternal and paternal relatives and to provide
13.24 services to custodial and noncustodial fathers, if appropriate; and
- 13.25 (5) document and summarize court reviews of active efforts.
- 13.26 (c) Any responsible social services agency that has a case review showing
13.27 disproportionality and disparities in child welfare outcomes for African American and other
13.28 disproportionately represented children and families, compared to the agency's overall
13.29 outcomes, must develop a remediation plan to be approved by the commissioner. The
13.30 responsible social services agency must develop the plan within 30 days of finding the
13.31 disproportionality or disparities and must make measurable improvements within 12 months

of the date that the commissioner approves the remediation plan. A responsible social services agency may request assistance from the commissioner to develop a remediation plan. The remediation plan must include measurable outcomes to identify, address, and reduce the factors that led to the disproportionality and disparities in the agency's child welfare outcomes and include information about how the responsible social services agency will achieve and document trauma-informed, positive child well-being outcomes through remediation efforts.

Subd. 4. **Noncompliance.** Any responsible social services agency that fails to comply with this section is subject to corrective action and a fine determined by the commissioner. The commissioner shall use fines received under this subdivision to support compliance with this act but shall not use amounts received to supplant funding for existing services.

Sec. 9. [260.694] AFRICAN AMERICAN CHILD WELL-BEING UNIT.

Subdivision 1. **Establishment.** The commissioner shall establish an African American Child Well-Being Unit within the Department of Human Services to assist counties and monitor child welfare processes and outcomes to address and mitigate child welfare disparities for African American children in Minnesota.

Subd. 2. **Duties.** The African American Child Well-Being Unit shall perform the following functions:

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

(2) provide technical assistance, including on-site technical assistance, and case consultation to responsible social services agencies to assist agencies with implementing and complying with this act;

(3) monitor the number and placement settings of African American children in out-of-home placement statewide to identify trends and develop strategies to address disproportionality in the child welfare system at the state and county levels;

(4) develop and implement a system for conducting case reviews when the commissioner receives reports of noncompliance with this act or when requested by the parent or custodian of an African American child. Case reviews may include but are not limited to a review of placement prevention efforts, safety planning, case planning and service provision by the

15.1 responsible social services agency, relative placement consideration, and permanency
15.2 planning;

15.3 (5) establish and administer a request for proposals process for African American and
15.4 disproportionately represented family preservation grants under section 260.695, monitor
15.5 grant activities, and provide technical assistance to grantees;

15.6 (6) coordinate services and create internal and external partnerships to support adequate
15.7 access to services and resources for African American children and families, including but
15.8 not limited to housing assistance, employment assistance, food and nutrition support, health
15.9 care, child care assistance, and educational support and training, in consultation with the
15.10 African American Child Welfare Oversight Council; and

15.11 (7) develop public messaging and communication to inform the general public in
15.12 Minnesota about racial disparities in child welfare outcomes, current efforts and strategies
15.13 to reduce racial disparities, and resources available to African American children and families
15.14 involved in the child welfare system.

15.15 Subd. 3. **Reports.** The African American Child Well-Being Unit shall provide regular
15.16 updates on unit activities, including summary reports of case reviews, to the African
15.17 American Child Welfare Oversight Council and shall publish an annual census of African
15.18 American children in out-of-home placements statewide. The annual census shall include
15.19 data on the types of placements, age and sex of the children, how long the children have
15.20 been in out-of-home placements, and other relevant demographic information.

15.21 Subd. 4. **Establishment and staffing.** The commissioner may engage the African
15.22 American Child Welfare Oversight Council for assistance in establishing the African
15.23 American Child Well-Being Unit and appointing individuals within the unit.

15.24 Sec. 10. **[260.695] AFRICAN AMERICAN AND DISPROPORTIONATELY**
15.25 **REPRESENTED FAMILY PRESERVATION GRANTS.**

15.26 Subdivision 1. **Primary support grants.** The commissioner shall establish direct grants
15.27 to organizations, service providers, and programs owned and led by African Americans and
15.28 other individuals from communities disproportionately represented in the child welfare
15.29 system to provide services and support for African American and disproportionately
15.30 represented children and families involved in Minnesota's child welfare system, including
15.31 supporting existing eligible services and facilitating the development of new services and
15.32 providers, to create a more expansive network of service providers available for African
15.33 American and disproportionately represented children and families.

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

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

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

16.5 (3) culturally specific individual and family counseling;

16.6 (4) court advocacy;

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

16.9 (6) services to support informal kinship care arrangements; and

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

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

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

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

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

16.25 (3) residential treatment facility payments;

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

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

16.31 (6) administrative costs for income maintenance staff.

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

17.3 Sec. 11. Minnesota Statutes 2022, section 260C.329, subdivision 3, is amended to read:

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

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

17.15 ~~(2)~~ (1) the parent has corrected the conditions that led to an order terminating parental
17.16 rights;

17.17 ~~(3)~~ (2) the parent is willing and has the capability to provide day-to-day care and maintain
17.18 the health, safety, and welfare of the child;

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

17.21 ~~(5)~~ (3) the child has not been adopted; and

17.22 ~~(6)~~ (4) the child is not the subject of a written adoption placement agreement between
17.23 the responsible social services agency and the prospective adoptive parent, as required under
17.24 Minnesota Rules, part 9560.0060, subpart 2.

17.25 Sec. 12. Minnesota Statutes 2022, section 260C.329, subdivision 8, is amended to read:

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

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

17.29 (2) the child has not been adopted;

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

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

~~(5)~~ (4) the child desires to reside with the parent;

~~(6)~~ (5) the parent has corrected the conditions that led to an order terminating parental rights; and

~~(7)~~ (6) the parent is willing and has the capability to provide day-to-day care and maintain the health, safety, and welfare of the child.

Sec. 13. CULTURAL COMPETENCY TRAINING FOR INDIVIDUALS WORKING WITH AFRICAN AMERICAN AND DISPROPORTIONATELY REPRESENTED FAMILIES AND CHILDREN IN THE CHILD WELFARE SYSTEM.

Subdivision 1. Applicability. 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 child welfare workers, supervisors, attorneys, juvenile court judges, and family law judges.

Subd. 2. Training. (a) The commissioner shall 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 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 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, 2025, 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

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

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

Subd. 3. **Update.** The commissioner shall provide an update to the legislative committees with jurisdiction over child protection issues by January 1, 2025, on the rollout of the training under subdivision 1 and the content and accessibility of the training under subdivision 2.

Sec. 14. **DISAGGREGATE DATA.**

The commissioner of human services shall establish a method to disaggregate data related to African American and other child welfare disproportionality and begin disaggregating data by January 1, 2025.

Sec. 15. **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.

Sec. 16. **CHILD WELFARE COMPLIANCE AND FEEDBACK PORTAL.**

The commissioner of human services shall develop, maintain, and administer a publicly accessible online compliance and feedback portal to receive reports of noncompliance with the Minnesota African American Family Preservation and Child Welfare Disproportionality Act under Minnesota Statutes, sections 260.61 to 260.68, and other statutes related to child maltreatment, safety, and placement. Reports received through the portal must be transferred

20.1 for review and further action to the appropriate unit or department within the Department
20.2 of Human Services, including but not limited to the African American Child Well-Being
20.3 Unit.

20.4 Sec. 17. **DIRECTION TO COMMISSIONER; MAINTAINING CONNECTIONS**
20.5 **IN FOSTER CARE BEST PRACTICES.**

20.6 The commissioner of human services shall develop and publish guidance on best practices
20.7 for ensuring that African American and disproportionately represented children in foster
20.8 care maintain connections and relationships with their parents, custodians, and extended
20.9 relative and kin network. The commissioner shall also develop and publish best practice
20.10 guidance on engaging and assessing noncustodial and nonadjudicated parents to care for
20.11 their African American or disproportionately represented children who cannot remain with
20.12 the children's custodial parents.

20.13 Sec. 18. **APPROPRIATIONS.**

20.14 (a) \$..... in fiscal year 2025 is appropriated from the general fund to the commissioner
20.15 of human services for the administration of the Minnesota African American Family
20.16 Preservation and Child Welfare Disproportionality Act under Minnesota Statutes, sections
20.17 260.61 to 260.695. This is an ongoing appropriation.

20.18 (b) \$..... in fiscal year 2025 is appropriated from the general fund to the commissioner
20.19 of human services for the development, maintenance, and administration of the child welfare
20.20 compliance and feedback portal. This is an ongoing appropriation.