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S.F. No. 716 – Minnesota African American Family Preservation and Child Welfare Disproportionality Act establishment (as proposed to be amended by the A-6 amendment)

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Bill Overview

S.F. 716 establishes the Minnesota African American Family Preservation and Child Welfare Disproportionality Act in Minnesota Statutes, chapter 260. The bill provides the purpose of the Act, definitions that apply to the Act, and requirements for responsible social services agencies and courts. S.F. 716 also codifies the already existing African American Child Welfare Oversight Council and African American Child Well-Being Unit within the Department of Human Services. Additionally, the bill establishes the African American and disproportionately represented family preservation grant program and places additional requirements on the commissioner of human services and responsible social services agencies.

Section Summaries

Section 1 (adds Minn. Stat. § 260.61) This section provides that sections 260.61 to 260.693 may be cited as the “Minnesota African American Family Preservation and Child Welfare Disproportionality Act.”

Section 2 (adds Minn. Stat. § 260.62) This section provides the purposes of the Minnesota African American and Child Welfare Disproportionality Act.

Section 3 (adds Minn. Stat. § 260.63) This section provides the definitions that apply to the Minnesota African American and Child Welfare Disproportionality Act, including “active efforts,” “African American child,” “child placement proceeding,” and “disproportionately represented child.”

Section 4 (adds Minn. Stat. § 260.64) This section establishes requirements for responsible social services agencies to prevent the out-of-home placement of an African American or disproportionately

represented child, including providing active efforts and developing a safety plan. Prohibits a court from ordering foster care or permanent out-of-home placement unless the court finds by clear and convincing evidence that the child would be at risk of serious physical damage.

Section 5 (adds Minn. Stat. § 260.641) This section requires a responsible social services agency to engage in best practices related to visitation when an African American or disproportionately represented child is in an out-of-home placement.

Section 6 (adds Minn. Stat. § 260.65) This section requires a responsible social services agency to make active efforts to locate an African American or disproportionately represented child's noncustodial or nonadjudicated parent or relatives prior to removal, and establishes additional requirements related to notice, recordkeeping, and assessment of a parent or relative's ability to care for the child.

Section 7 (adds Minn. Stat. § 260.66) This section establishes the procedure for an emergency removal of an African American or disproportionately represented child, including emergency petition, placement, and procedure requirements.

Section 8 (adds Minn. Stat. § 260.67) This section establishes a procedure and placement preferences for the transfer of permanent legal and physical custody of an African American or disproportionately represented child and prohibits a court from terminating parental rights solely on the parent's failure to complete case plan requirements. Prohibits the termination of parental rights of a parent of an African American or disproportionately represented child unless certain allegations are made. Extends appeal timelines for a parent of an African American or disproportionately represented child whose parental rights have been terminated.

Section 9 (adds Minn. Stat. § 260.68) This section prohibits certain conduct by responsible social services agency employees who have duties related to child protection. Requires each responsible social services agency to conduct a review of all child protection cases handled by the agency and provides what the case review must include. Requires the responsible social services agency to provide a summary report to the African American Child Well-Being Advisory Council, the commissioner, and the legislature.

Section 10 (adds Minn. Stat. § 260.69) This section requires the commissioner of human services to collaborate with the Children's Justice Initiative to ensure cultural competency training is given to individuals working in the child welfare system.

Section 11 (adds Minn. Stat. § 260.691) This section codifies the African American Child Well-Being Advisory Council currently established within the Department of Human Services and provides its duties, including an annual report.

Section 12 (adds Minn. Stat. § 260.692) This section codifies the African American Child Well-Being Unit currently established within the Department of Human Services and provides its duties, including conducting systemic case reviews and providing reports.

Section 13 (adds Minn. Stat. § 260.693) This section establishes African American and disproportionately represented family preservation grants.

Section 14 (amends Minn. Stat. § 260C.329, subdivision 3) This section allows a child who is ten years of age or older, the responsible social services agency, or guardian ad litem to file a petition for the reestablishment of the legal parent and child relationship and makes additional changes to the timeline for such petition and when filing fees may be waived.

Section 15 (amends Minn. Stat. § 260C.329, subdivision 8) This section modifies the amount of time needed to have elapsed following a final order terminating parental rights before a court may grant a petition to reestablish the legal parent and child relationship from 48 months to 24 months.

Section 16 (DIRECTION TO COMMISSIONER; DISAGGREGATE DATA) This section requires the commissioner of human services to establish a process to improve the disaggregation of data to monitor child welfare outcomes for African American and other disproportionately represented children. Requires the commissioner to begin disaggregating data by January 1, 2027.

Section 17 (CHILD WELFARE COMPLIANCE AND FEEDBACK PORTAL) This section requires the commissioner of human services to 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.

Section 18 (DIRECTION TO COMMISSIONER; MAINTAINING CONNECTIONS) This section requires the commissioner of human services to develop and publish guidance on best practices for ensuring that African American and disproportionately represented children in foster care maintain connections and relationships with their parents, custodians, and extended relative and kin network.

Section 19 (COMPLIANCE SYSTEM REVIEW DEVELOPMENT) This section requires the commissioner of human services, in consultation with counties and the working group established in section 21, to develop a system to review county compliance with the Minnesota African American Family Preservation and Child Welfare Disproportionality Act. Requires the commissioner to provide a report to the legislature on the proposed compliance system review process and proposed statutory language.

Section 20 (PHASE-IN PROGRAMS) This section requires the commissioner of human services to establish phase-in programs in Hennepin and Ramsey counties that implement the Minnesota African American Family Preservation and Child Welfare Disproportionality Act for a two-year period. Provides that sections 1 to 18 of this article are effective July 1, 2024, for the purposes of the phase-in program.

Section 21 (WORKING GROUP) This section establishes a working group to provide guidance and oversight for the phase-in programs in Hennepin and Ramsey counties and provides the members and duties.