

1.1 **Senator Wiklund from the Committee on Health and Human Services, to which**
1.2 **was referred**

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

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

1.9 Delete everything after the enacting clause and insert:

1.10 "Section 1. [260.61] CITATION.

1.11 Sections 260.61 to 260.695 may be cited as the "Minnesota African American Family
1.12 Preservation and Child Welfare Disproportionality Act."

1.13 Sec. 2. [260.62] PURPOSES.

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

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

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

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

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

1.26 Sec. 3. [260.63] DEFINITIONS.

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

1.28 Subd. 2. **Active efforts.** "Active efforts" means a rigorous and concerted level of effort
1.29 that the responsible social services agency must continuously make throughout the time
1.30 that the responsible social services agency is involved with an African American or
1.31 disproportionately represented child and the child's family. To provide active efforts to
1.32 preserve an African American or disproportionately represented child's family, the responsible

social services agency must continuously involve an African American or disproportionately represented child's family and the African American Child Welfare Oversight Council 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 disproportionately represented family's social and cultural values at all times while providing services to an African American or disproportionately represented child and family. Active efforts includes continuous efforts to preserve an African American or disproportionately represented child's family and to prevent the out-of-home placement of an African American or disproportionately represented child. If an African American or 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 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.

Subd. 5. **Best interests of the African American or disproportionately represented child.** The "best interests of the African American or disproportionately represented child" 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:

- 3.1 (1) an adoptive placement;
3.2 (2) a foster care placement;
3.3 (3) a preadoptive placement; or
3.4 (4) a termination of parental rights.

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

- 3.7 (1) an act which if committed by an adult would be deemed a crime; or
3.8 (2) an award of child custody in a divorce proceeding to one of the child's parents.

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

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

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

3.21 Subd. 10. **Disproportionately represented child.** "Disproportionately represented child"
3.22 means a child whose race, culture, ethnicity, or low-income socioeconomic status is
3.23 disproportionately encountered, engaged, or identified in the child welfare system as
3.24 compared to the representation in the state's total child population.

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

3.27 Subd. 12. **Foster care placement.** "Foster care placement" means the court-ordered
3.28 removal of an African American or disproportionately represented child from the child's
3.29 home with the child's parent or legal custodian and the temporary placement of the child in
3.30 a foster home, in shelter care or a facility, or in the home of a guardian, when the parent or
3.31 legal custodian cannot have the child returned upon demand, but the parent's parental rights
3.32 have not been terminated. A foster care placement includes an order placing the child under

4.1 the guardianship of the commissioner, pursuant to section 260C.325, prior to an adoption
4.2 being finalized.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5.21 (c) The safety plan must:

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

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

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

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

5.30 (d) Unless the court finds by clear and convincing evidence that the child would be at
5.31 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 disproportionately represented child alleged to be in need of protection or services. At each hearing regarding an African American or 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 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 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 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 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 be considered as an African American or 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 of the child.

8.1 Sec. 6. **[260.66] EMERGENCY REMOVAL.**

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

8.7 Subd. 2. **Petition for emergency removal; placement requirements.** A petition for a
8.8 court order authorizing the emergency removal or continued emergency placement of an
8.9 African American or disproportionately represented child or the petition's accompanying
8.10 documents, must contain a statement of the risk of imminent physical damage or harm to
8.11 the African American or disproportionately represented child and any evidence that the
8.12 emergency removal or placement continues to be necessary to prevent imminent physical
8.13 damage or harm to the child. The petition or its accompanying documents must also contain
8.14 the following information:

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

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

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

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

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

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

8.29 (b) The court shall hold additional hearings whenever new information indicates that
8.30 the emergency situation has ended and at any court hearing during the emergency proceeding
8.31 to determine whether the emergency removal or placement is no longer necessary to prevent
8.32 imminent physical damage or harm to the child.

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

9.7 Subd. 4. **Termination of emergency removal or placement.** (a) An emergency removal
9.8 or placement of an African American or disproportionately represented child must
9.9 immediately terminate once the responsible social services agency or court possesses
9.10 sufficient evidence to determine that the emergency removal or placement is no longer
9.11 necessary to prevent imminent physical damage or harm to the child, and the child shall be
9.12 immediately returned to the custody of the child's parent or custodian. The responsible social
9.13 services agency or court shall ensure that the emergency removal or placement terminates
9.14 immediately when removal or placement is no longer necessary to prevent imminent physical
9.15 damage or harm to the African American or disproportionately represented child.

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

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

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

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

9.28 Sec. 7. **[260.67] TRANSFER OF PERMANENT LEGAL AND PHYSICAL**
9.29 **CUSTODY; TERMINATION OF PARENTAL RIGHTS; CHILD PLACEMENT**
9.30 **PROCEEDINGS.**

9.31 Subdivision 1. **Preference for transfer of permanent legal and physical custody.** If
9.32 an African American or 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 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 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) Nothing in this subdivision precludes the court from terminating the parental rights of a parent of an African American or disproportionately represented child who for good

11.1 cause desires to voluntarily terminate parental rights of the parent's child under section
11.2 260C.301, subdivision 1, paragraph (a).

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

11.7 Sec. 8. **[260.68] RESPONSIBLE SOCIAL SERVICES AGENCY CONDUCT AND**
11.8 **CASE REVIEW.**

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

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

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

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

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

11.19 Subd. 2. **Commissioner notification.** (a) When a responsible social services agency
11.20 makes a maltreatment determination involving an African American or disproportionately
11.21 represented child or places an African American or disproportionately represented child in
11.22 a foster care placement, the agency shall, within seven days of making a maltreatment
11.23 determination or initiating the child's foster care placement, notify the commissioner of the
11.24 maltreatment determination or foster care placement and of the steps that the agency has
11.25 taken to investigate and remedy the conditions that led to the maltreatment determination
11.26 or foster care placement. Upon receiving this notice, the commissioner shall review the
11.27 responsible social services agency's handling of the child's case to ensure that the case plan
11.28 and services address the unique needs of the child and the child's family and that the agency
11.29 is making active efforts to reunify and preserve the child's family. At all stages of a case
11.30 involving an African American or disproportionately represented child, the responsible
11.31 social services agency shall, upon request, fully cooperate with the commissioner and the
11.32 African American Child Welfare Oversight Council and, as appropriate and as permitted
11.33 under statute, provide access to all relevant case files.

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

Subd. 3. **Case review.** (a) Each responsible social services agency shall conduct a review of all child protection cases handled by the agency every 24 months, after establishing a 2024 baseline. The responsible social services agency shall report the agency's findings to the county board, related child welfare committees, the Children's Justice Initiative team, the African American Child Welfare Oversight Council, the commissioner, and community stakeholders within six months of gathering the relevant case data. For situations in which the case review consists of fewer than five cases, the responsible social services agency must only report the case data to the African American Child Welfare Oversight Council. The case review must include:

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

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

(3) the number and race of children and parents or custodians who receive in-home preventive case management services;

- 13.1 (4) the number and race of children whose parents or custodians are referred to
13.2 community-based, culturally appropriate, strength-based, or trauma-informed services;
- 13.3 (5) the number and race of children removed from their homes;
- 13.4 (6) the number and race of children reunified with their parents or custodians;
- 13.5 (7) the number and race of children whose parents or custodians are offered family group
13.6 decision-making services;
- 13.7 (8) the number and race of children whose parents or custodians are offered the parent
13.8 support outreach program;
- 13.9 (9) the number and race of children in foster care or out-of-home placement at the time
13.10 that the data is gathered;
- 13.11 (10) the number and race of children who achieve permanency a through transfer of
13.12 permanent legal and physical custody to a relative, a legal guardianship, or an adoption;
13.13 and
- 13.14 (11) the number and race of children who are under the guardianship of the commissioner
13.15 or awaiting a permanency disposition.
- 13.16 (b) The required case review must also:
- 13.17 (1) identify barriers to reunifying children with their families;
- 13.18 (2) identify the family conditions that led to the out-of-home placement;
- 13.19 (3) identify any barriers to accessing culturally informed mental health or substance use
13.20 disorder treatment services for the parents or children;
- 13.21 (4) document efforts to identify fathers and maternal and paternal relatives and to provide
13.22 services to custodial and noncustodial fathers, if appropriate; and
- 13.23 (5) document and summarize court reviews of active efforts.
- 13.24 (c) Any responsible social services agency that has a case review showing
13.25 disproportionality and disparities in child welfare outcomes for African American and other
13.26 disproportionately represented children and families, compared to the agency's overall
13.27 outcomes, must develop a remediation plan to be approved by the commissioner. The
13.28 responsible social services agency must develop the plan within 30 days of finding the
13.29 disproportionality or disparities and must make measurable improvements within 12 months
13.30 of the date that the commissioner approves the remediation plan. A responsible social
13.31 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. **[260.69] AFRICAN AMERICAN CHILD WELFARE OVERSIGHT COUNCIL.**

Subdivision 1. **Creation.** (a) The commissioner shall establish an African American Child Welfare Oversight Council to formulate and recommend policies and procedures relating to child welfare services for African American children to ensure that responsible social services agencies provide African American families with culturally relevant family preservation services and opportunities to care for their children safely in their homes.

(b) The commissioner shall convene an initial selection committee to appoint council members. The selection committee shall consist of representatives from the Council on Minnesotans of African Heritage, the ombudsperson for African American Families, and the larger African American community.

(c) The terms, compensation, and removal of council members are as provided in section 15.059. The advisory council does not expire. The commissioner shall provide administrative support to the council.

Subd. 2. **Membership and composition.** (a) The council shall consist of 15 members and must include:

(1) five members from African American families and communities that have been impacted by the child welfare system, including community leaders and community members;

(2) one responsible social services agency representative from each of the six counties with the highest populations of disproportionately represented African American children in the state; and

(3) four parents or custodians of African American children, two who reside in the seven-county metropolitan area and two who reside outside of the seven-county metropolitan area.

15.1 (b) The council shall have two cochairs, chosen by the council.

15.2 Subd. 3. **Meeting.** The commissioner shall convene the first meeting of the council no
15.3 later than December 15, 2024. The council shall meet at least six times per year, but may
15.4 meet more frequently at the call of the chair, a majority of the council members, or the
15.5 commissioner. Subgroups of the council may meet more frequently as necessary.

15.6 Subd. 4. **Duties.** The African American Child Welfare Oversight Council shall:

15.7 (1) review annual reports related to African American children in out-of-home placement;

15.8 (2) assist in and make recommendations to the commissioner for developing strategies
15.9 to prevent out-of-home placement, promote culturally appropriate foster care and shelter
15.10 or facility placement decisions and settings for African American children, and improve
15.11 child welfare outcomes for African American children and families;

15.12 (3) review summary reports on case reviews prepared by the commissioner to ensure
15.13 that responsible social services agencies meet the needs of African American families. The
15.14 council may review individual case information with identifying information redacted to
15.15 provide context and oversight, to address disparities in the treatment of African American
15.16 children and families as compared to other children and families involved in the child welfare
15.17 system;

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

15.22 (5) advise the commissioner and responsible social services agencies on stakeholder
15.23 engagement and actions that the commissioner and agencies may take to improve child
15.24 welfare outcomes for African American children and families;

15.25 (6) assist the commissioner with developing strategies for public messaging and
15.26 communication related to racial disparities in child welfare outcomes for African American
15.27 children and families;

15.28 (7) assist the commissioner with identifying and developing internal and external
15.29 partnerships to support adequate access to services and resources for African American
15.30 children and families, including but not limited to housing assistance, employment assistance,
15.31 food and nutrition support, health care, child care assistance, and educational support and
15.32 training; and

(8) identify barriers to the development of a racially and ethnically diverse child welfare workforce in Minnesota that includes professionals who have been directly impacted by experiences within the child welfare system and explore strategies and partnerships to address education and training needs, and hiring and recruitment practices.

Subd. 5. **Case review.** (a) The council may initiate a secondary case review of an African American child's case upon the request of a child's parent or custodian, or the child, if the council determines that a secondary case review is appropriate, after reviewing the commissioner's summary report and conclusions from the initial case review. The purpose of a secondary case review under this subdivision is to provide recommendations to the commissioner and the responsible social services agency to improve the child welfare system and provide better outcomes for the child and the child's family.

(b) Upon the request of the parent, custodian, or child, members of the African American Child Welfare Oversight Council shall have access to the following data, as permitted under applicable statutes, for a child's case review under this subdivision:

(1) law enforcement investigative data;

(2) autopsy records and coroner or medical examiner investigative data;

(3) hospital, public health, and other medical records of the child;

(4) hospital and other medical records of the child's parent that relate to prenatal care;

(5) records of any responsible social services agency that provided services to the child or family; and

(6) a responsible social services agency's personnel data regarding any agency employees who provided services to the child or child's family members.

A state agency, statewide system, or political subdivision shall provide the data in paragraph (b) to the African American Oversight Council and the council's members upon request of the commissioner. Not public data may be shared with members of the council in connection with an individual case.

(c) Not public data acquired by the African American Child Welfare Oversight Council in the exercise of its duties retains its original classification. The commissioner may not disclose data on individuals that were classified as confidential or private data on individuals in possession of the state agency, statewide system, or political subdivision from which the data were received, except that the commissioner may disclose responsible social services agency data as provided in section 260E.35, subdivision 7, on individual cases involving a

17.1 fatality or near fatality of a person served by the responsible social services agency prior to
17.2 the date of the death or incident.

17.3 (d) The proceedings and records of the council that pertain to the case review of an
17.4 individual child are private data or confidential data, to the extent that they contain data on
17.5 an active investigation. Information, documents, and records otherwise available from other
17.6 sources are not immune from discovery or use in a civil or criminal action solely because
17.7 the information, documents, and records were presented during proceedings of the council.
17.8 A person who presented information before the council or who is a member of the council
17.9 is not prevented from testifying about matters within the person's knowledge.

17.10 Subd. 6. **Annual report.** By January 1 of each year, beginning January 1, 2026, the
17.11 council shall report to the chairs and ranking minority members of the legislative committees
17.12 with jurisdiction over child protection on the council's activities under subdivision 4 and
17.13 other issues on which the council chooses to report. The report may include recommendations
17.14 for statutory changes to improve the child protection system and child welfare outcomes
17.15 for African American children and families.

17.16 Subd. 7. **Open Meeting Law.** Meetings of the council are subject to the Minnesota Open
17.17 Meeting Law under chapter 13D. Notwithstanding chapter 13D, portions of any meeting
17.18 that pertain to case review of an individual child's case are closed, and not subject to the
17.19 Open Meeting Law.

17.20 Sec. 10. **[260.694] AFRICAN AMERICAN CHILD WELL-BEING UNIT.**

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

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

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

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

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

18.7 (4) develop and implement a system for conducting case reviews when the commissioner
18.8 receives reports of noncompliance with this act or when requested by the parent or custodian
18.9 of an African American child. Case reviews may include but are not limited to a review of
18.10 placement prevention efforts, safety planning, case planning and service provision by the
18.11 responsible social services agency, relative placement consideration, and permanency
18.12 planning;

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

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

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

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

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

Sec. 11. **[260.695] AFRICAN AMERICAN AND DISPROPORTIONATELY
REPRESENTED FAMILY PRESERVATION GRANTS.**

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

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

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

(2) family-based services and reunification therapy;

(3) culturally specific individual and family counseling;

(4) court advocacy;

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

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

(7) other activities and services approved by the commissioner that further the goals of the Minnesota African American Family Preservation and Child Welfare Disproportionality Act, including but not limited to the recruitment of African American staff and staff from other communities disproportionately represented in the child welfare system, for 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 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:

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

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

20.4 (3) residential treatment facility payments;

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

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

20.10 (6) administrative costs for income maintenance staff.

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

20.13 Sec. 12. Minnesota Statutes 2022, section 260C.329, subdivision 3, is amended to read:

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

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

20.25 ~~(2)~~ (1) the parent has corrected the conditions that led to an order terminating parental
20.26 rights;

20.27 ~~(3)~~ (2) the parent is willing and has the capability to provide day-to-day care and maintain
20.28 the health, safety, and welfare of the child;

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

20.31 ~~(5)~~ (3) the child has not been adopted; and

21.1 ~~(6)~~ (4) the child is not the subject of a written adoption placement agreement between
21.2 the responsible social services agency and the prospective adoptive parent, as required under
21.3 Minnesota Rules, part 9560.0060, subpart 2.

21.4 Sec. 13. Minnesota Statutes 2022, section 260C.329, subdivision 8, is amended to read:

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

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

21.8 (2) the child has not been adopted;

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

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

21.14 ~~(5)~~ (4) the child desires to reside with the parent;

21.15 ~~(6)~~ (5) the parent has corrected the conditions that led to an order terminating parental
21.16 rights; and

21.17 ~~(7)~~ (6) the parent is willing and has the capability to provide day-to-day care and maintain
21.18 the health, safety, and welfare of the child.

21.19 Sec. 14. **CULTURAL COMPETENCY TRAINING FOR INDIVIDUALS WORKING**
21.20 **WITH AFRICAN AMERICAN AND DISPROPORTIONATELY REPRESENTED**
21.21 **FAMILIES AND CHILDREN IN THE CHILD WELFARE SYSTEM.**

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

21.26 Subd. 2. **Training.** (a) The commissioner shall consult with the African American Child
21.27 Welfare Oversight Council to develop training content and establish the frequency of
21.28 trainings.

21.29 (b) The training is required prior to or within six months of beginning work with any
21.30 African American or disproportionately represented child and family. A responsible social
21.31 services agency staff person who is unable to complete the training prior to working with

22.1 African American or disproportionately represented children and families must work with
22.2 a qualified staff person within the agency who has completed cultural competency training
22.3 until the person is able to complete the required training. The training must be available by
22.4 January 1, 2025, and must:

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

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

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

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

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

22.16 Subd. 3. **Update.** The commissioner, in coordination with the African American Child
22.17 Welfare Oversight Council, shall provide an update to the legislative committees with
22.18 jurisdiction over child protection issues by January 1, 2025, on the rollout of the training
22.19 under subdivision 1 and the content and accessibility of the training under subdivision 2.

22.20 Sec. 15. **DISAGGREGATE DATA.**

22.21 The commissioner of human services shall work with the African American Child
22.22 Welfare Oversight Council to establish a method to disaggregate data related to African
22.23 American and other child welfare disproportionality, and begin disaggregating data by
22.24 January 1, 2025.

22.25 Sec. 16. **ENSURING FREQUENT VISITATION FOR AFRICAN AMERICAN AND**
22.26 **DISPROPORTIONATELY REPRESENTED CHILDREN IN OUT-OF-HOME**
22.27 **PLACEMENT.**

22.28 A responsible social services agency must engage in best practices related to visitation
22.29 when an African American or disproportionately represented child is in out-of-home
22.30 placement. When the child is in out-of-home placement, the responsible social services
22.31 agency shall make active efforts to facilitate regular and frequent visitation between the
22.32 child and the child's parents or custodians, the child's siblings, and the child's relatives. If

23.1 visitation is infrequent between the child and the child's parents, custodians, siblings, or
23.2 relatives, the responsible social services agency shall make active efforts to increase the
23.3 frequency of visitation and address any barriers to visitation.

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

23.5 The commissioner of human services shall develop, maintain, and administer a publicly
23.6 accessible online compliance and feedback portal to receive reports of noncompliance with
23.7 the Minnesota African American Family Preservation and Child Welfare Disproportionality
23.8 Act under Minnesota Statutes, sections 260.61 to 260.68, and other statutes related to child
23.9 maltreatment, safety, and placement. Reports received through the portal must be transferred
23.10 for review and further action to the appropriate unit or department within the Department
23.11 of Human Services, including but not limited to the African American Child Well-Being
23.12 Unit, and to the African American Child Welfare Oversight Council, if appropriate.

23.13 Sec. 18. **DIRECTION TO COMMISSIONER; MAINTAINING CONNECTIONS**
23.14 **IN FOSTER CARE BEST PRACTICES.**

23.15 The commissioner of human services shall develop and publish guidance on best practices
23.16 for ensuring that African American and disproportionately represented children in foster
23.17 care maintain connections and relationships with their parents, custodians, and extended
23.18 relative and kin network. The commissioner shall also develop and publish best practice
23.19 guidance on engaging and assessing noncustodial and nonadjudicated parents to care for
23.20 their African American or disproportionately represented children who cannot remain with
23.21 the children's custodial parents.

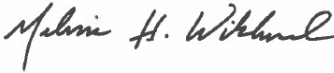
23.22 Sec. 19. **APPROPRIATIONS.**

23.23 (a) \$..... in fiscal year 2025 is appropriated from the general fund to the commissioner
23.24 of human services for the administration of the Minnesota African American Family
23.25 Preservation and Child Welfare Disproportionality Act under Minnesota Statutes, sections
23.26 260.61 to 260.695. This is an ongoing appropriation.

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

23.30 Amend the title as follows:

23.31 Page 1, line 3, after "Preservation" and insert "and Child Welfare Disproportionality"

- 24.1
- Amend the title numbers accordingly
- 24.2
- And when so amended the bill do pass and be re-referred to the Committee on Judiciary
- 24.3
- and Public Safety. Amendments adopted. Report adopted.
- 24.4
- 
- 24.5
-
(Committee Chair)
- 24.6
- March 15, 2024.....
- 24.7
- (Date of Committee recommendation)