

S.F. 4572 – Children and Family Services Policy Bill

This bill is from the Department of Human Services, Children and Family Services Administration. It contains policy, technical, and housekeeping updates to statutes related to child welfare and conformity with birth records legislation enacted in 2023. The provisions in this bill are policy-only with no fiscal impacts. The sections included in this summary are Article 2, §§ 1, 12-18, and Article 4.

Article 2 – Child Welfare

Child Welfare Technical, Housekeeping and Policy Updates (Sections 1 and 12-18)

- **Section 1** confirms that local agencies can obtain information on predatory offenders when engaged in an investigation of alleged sexual abuse, including threatened sexual abuse, as defined in Minn. Stat. § 260E.03, subd. 20.
- **Section 12** clarifies protection supervision court review requirements and requires court to review to ensure they are consistently applied.
- **Section 13** clarifies agency access to criminal and maltreatment history for relatives being considered for foster care placement (regardless of whether they must be licensed) and when petitions are filed to transfer permanent legal and physical custody (TPLPC) to a relative who is not pursuing Northstar Kinship Assistance (regardless of whether there is reasonable cause to believe there may be criminal history).
- **Section 14** Prohibits placement of children in an unlicensed emergency relative placement/licensed family foster home when the agency knows there is a permanent disqualification to child foster care licensure.
- **Section 15** removes the ability to terminate a parent's rights based solely upon a parent's failure to financially support their child.
- **Section 16** clarifies that the permanency disposition of TPLPC to a parent is distinct from TPLPC to a relative.
- **Sections 17 and 18** clarifies that while court reviews and agency efforts to finalize an adoption continue, an adoption must not finalize when an appeal is pending not just of the guardianship order, but also for termination of parental rights. Prohibits courts from finalizing an adoption while an appeal is pending.

Article 4 – Adoption Records

Adoption Records – Conforming Changes (Sections 1-8)

With the recent law changes related to data privacy classification of, and access to, an adopted person's original birth records, there may be contradictory data classifications and access between adoption records and original birth records once the law changes go into effect on July 1, 2024. The provisions in this article align adoption-related records laws to ensure consistency and clarity around data privacy, access, and content, while taking into consideration the perspectives of those involved in adoption. The provisions also clarify the continued coordination between the Minnesota Department of Health and the Minnesota Department of Human Services to fully execute 144.2252 subd. 2, 144.2253 and 259.79 subd. 1. These provisions were reviewed by advocates who supported the 2023 law changes, as well as the Minnesota Department of Health, and no concerns were raised.

Bill Section	Stat. Sec. Amended	Section Description
Article 2 – Child Welfare		
Article 2, Section 1	243.166, subd. 7	Confirms that local agencies can obtain information on predatory offenders when engaged in an investigation of alleged sexual abuse, including threatened sexual abuse, as defined in Minn. Stat. § 260E.03, subd. 20.
Article 2, Section 12	260C.202	Clarifies protective supervision court review requirements.
Article 2, Section 13	260C.209, subd. 1	Clarifies agency access to criminal and maltreatment history for relatives being considered for foster care placement (regardless of whether they must be licensed) and when petitions are filed to transfer permanent legal and physical custody (TPLPC) to a relative who is not pursuing Northstar Kinship Assistance (regardless of whether there is reasonable cause to believe there may be criminal history).
Article 2, Section 14	260C.212, subd. 2	Clarifies that adoptive placement home study and background study requirements are located in section 260C.611. (Technical) Prohibits placement of children in an unlicensed emergency relative placement/licensed family foster home when the agency knows there is a permanent disqualification to child foster care licensure.
Article 2, Section 15	260C.301, subd. 1	Removes a termination of parental rights condition related to a parent's failure to financially support their child.
Article 2, Section 16	260C.515, subd. 4	Clearly establishes the permanency disposition of TPLPC to a parent as distinct from TPLPC to a relative. Establishes court review of background study summary information and clarifies permanence of TPLPC, when reviewing and granting petitions for TPLPC to relatives. Clarifies that finalization may occur only after reviewing suitability of the proposed custodian, which includes a review of background study summary. Clarifies agency vs. non-agency TPLPC petition content and filing requirements, including background study summary information, and reorganizes existing statutory requirements for clarity. For non-agency TPLPC petitions, allows background study summary information to be submitted prior to the court granting the petition or finalizing the order if not completed at the time of filing the petition.
Article 2, Section 17	260C.607, subd. 1	Cleans up existing statute regarding court jurisdiction following a TPLPC. Clarifies that court reviews and agency efforts to finalize an adoption must continue, but the adoption must not finalize when an appeal is pending not just of the guardianship order, but also for termination of parental rights. (Technical)

Bill Section	Stat. Sec. Amended	Section Description
Article 2, Section 18	260C.607, subd. 6	Prohibits courts from finalizing an adoption while there is a pending appeal related to a motion for adoptive placement.
Article 4 – Adoption Records		
Article 4, Section 1	144.2252 subd. 2	Allows MDH to continue coordinating with DHS to verify information contained in DHS adoption records as needed to release original birth record effective July 1, 2024.
Article 4, Section 2	144.2253	Allows MDH to continue coordinating with DHS to verify information contained in DHS adoption records as needed to match the contact preference form to the original birth record effective August 1, 2023.
Article 4, Section 3	259.37, subd. 2	Requires an agency's disclosure statement to include a statement regarding the right of an adopted person to request and receive their original birth record and the right of a birth parent named on the original birth record to file a contact preference form with the state registrar effective July 1, 2024.
Article 4, Section 4	259.79, subd. 1	Authorizes DHS to share certain information from adoption records upon MDH request for purposes of fulfilling MDH requirements under sections 144.2252-144.2253.
Article 4, Section 5	259.83, subd. 1	Removes confidentiality provisions around post-adoption services as this will not apply effective July 1, 2024. Reinstates 6-month timeframe for agencies to complete their post-adoption service requests as this was inadvertently removed with the repeal of section 259.89 during the 2023 session. Clarifies timing of birth parent notification of their right to file a contact preference form.
Article 4, Section 6	259.83, subd. 1b	Removes requirement that siblings must be genetically related, consistent with current definition of sibling in statute and department policy, for an adult to obtain information about their siblings who were adopted or under guardianship of the commissioner. Removes confidentiality provisions around sibling contact, consistent with existing policy and legal requirements going into effect July 1, 2024. Expands availability of information to be inclusive of agency adoption records, consistent with record retention requirements under section 259.79.
Article 4, Section 7	259.83, subd. 3a	Clarifies that birth parent identifying information is to be provided to the extent that the information is available, for adoptive placements in Minnesota in which the adopted person was not born in Minnesota.
Article 4, Section 8	259.83, subd. 4	Aligns the age at which an adopted person is able to receive assistance from agencies with the age indicated elsewhere in this section, which is age 18.