

1.1 **Senator Latz from the Committee on Judiciary and Public Safety, to which was**  
1.2 **re-referred**

1.3 **S.F. No. 4480:** A bill for an act relating to children; making changes to the Minnesota  
1.4 Indian Family Preservation Act; making conforming statutory changes; amending Minnesota  
1.5 Statutes 2022, sections 260.755, subdivisions 2a, 5, 14, 17a, by adding subdivisions; 260.775;  
1.6 260.785, subdivisions 1, 3; 260.810, subdivision 3; 260C.007, subdivision 2b; 260C.178,  
1.7 subdivision 1; 260C.201, subdivision 1; 260C.204; 260C.503, subdivisions 1, 3; 260C.505;  
1.8 260C.507; 260D.01; 260D.12; Minnesota Statutes 2023 Supplement, sections 260.755,  
1.9 subdivisions 1a, 3, 3a, 5b, 20, 22; 260.758, subdivisions 2, 4, 5; 260.761; 260.762; 260.763,  
1.10 subdivisions 1, 4, 5; 260.765, subdivisions 2, 3a, 4b; 260.771, subdivisions 1a, 1b, 1c, 2b,  
1.11 2d, 6, by adding subdivisions; 260.773, subdivisions 1, 2, 3, 4, 5, 10, 11; 260.774,  
1.12 subdivisions 1, 2, 3; 260.781, subdivision 1; 260.786, subdivision 2; 260.795, subdivision  
1.13 1; proposing coding for new law in Minnesota Statutes, chapters 259; 260D; 260E; 524;  
1.14 repealing Minnesota Statutes 2022, section 260.755, subdivision 13.

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

1.16 Page 3, line 26, after the period, insert "For the purposes of provision of active efforts  
1.17 and foster care and permanency placement decisions,"

1.18 Page 8, line 21, after the comma, insert "except for adoptive or preadoptive placement  
1.19 proceedings,"

1.20 Page 9, line 16, delete "custody" and insert "placement"

1.21 Page 10, line 15, delete everything after "hearings" and insert ", except that the court  
1.22 may require an in-person appearance for trials or other evidentiary or contested hearings."

1.23 Page 10, delete line 16

1.24 Page 11, line 10, after the period, insert "If the identity or location of the Indian child's  
1.25 Tribe cannot be determined, the notice must be given to the United States Secretary of  
1.26 Interior in like manner."

1.27 Page 11, line 26, reinstate the stricken language and delete "OR"

1.28 Page 11, line 27, delete "PERMANENCY" and insert ", PRESERVE THE CHILD'S  
1.29 FAMILY,"

1.30 Page 12, line 13, after "rights," insert "guardianship to the commissioner of human  
1.31 services under section 260C.325,"

1.32 Page 14, line 3, delete "shall"

1.33 Page 14, line 12, delete "may"

1.34 Page 16, line 33, after the period, insert "The child-placing agencies and the courts shall  
1.35 defer to a" and delete "is conclusive"

1.36 Page 17, line 6, before the period, insert ", or if the Tribe agrees to concurrent jurisdiction"

- 2.1 Page 17, line 32, delete "it is determined" and insert "the court determines"
- 2.2 Page 18, line 24, strike "foster care" and insert "child"
- 2.3 Page 20, delete line 17
- 2.4 Page 20, line 18, delete everything before "The court shall"
- 2.5 Page 20, delete section 29
- 2.6 Page 31, after line 6, insert:
- 2.7 "Section 1. Minnesota Statutes 2022, section 259.20, subdivision 2, is amended to read:
- 2.8 Subd. 2. **Other applicable law.** (a) Portions of chapters 245A, 245C, 257, 260, and
- 2.9 317A may also affect the adoption of a particular child.
- 2.10 (b) Provisions of the Indian Child Welfare Act, United States Code, title 25, chapter 21,
- 2.11 sections 1901-1923, ~~may also~~ and the Minnesota Indian Family Preservation Act under
- 2.12 sections 260.751 to 260.835 apply in the adoption of an Indian child, and may preempt
- 2.13 ~~specific provisions of this chapter~~ as described in section 259.201.
- 2.14 (c) Consistent with section 245C.33 and Public Law 109-248, a completed background
- 2.15 study is required before the approval of any foster or adoptive placement in a related or an
- 2.16 unrelated home."
- 2.17 Page 31, line 12, before "and by" insert "by section 259.20, subdivision 2, paragraph
- 2.18 (b);"
- 2.19 Page 31, line 19, delete everything after the period
- 2.20 Page 31, delete lines 20 and 21
- 2.21 Pages 31 to 44, delete sections 3 to 9 and insert:
- 2.22 "Sec. 4. Minnesota Statutes 2022, section 260C.178, subdivision 1, as amended by Laws
- 2.23 2024, chapter 80, article 8, section 24, is amended to read:
- 2.24 Subdivision 1. **Hearing and release requirements.** (a) If a child was taken into custody
- 2.25 under section 260C.175, subdivision 1, clause (1) or (2), item (ii), the court shall hold a
- 2.26 hearing within 72 hours of the time that the child was taken into custody, excluding
- 2.27 Saturdays, Sundays, and holidays, to determine whether the child should continue to be in
- 2.28 custody.
- 2.29 (b) Unless there is reason to believe that the child would endanger self or others or not
- 2.30 return for a court hearing, or that the child's health or welfare would be immediately

endangered, the child shall be released to the custody of a parent, guardian, custodian, or other suitable person, subject to reasonable conditions of release including, but not limited to, a requirement that the child undergo a chemical use assessment as provided in section 260C.157, subdivision 1.

(c) If the court determines that there is reason to believe that the child would endanger self or others or not return for a court hearing, or that the child's health or welfare would be immediately endangered if returned to the care of the parent or guardian who has custody and from whom the child was removed, the court shall order the child:

(1) into the care of the child's noncustodial parent and order the noncustodial parent to comply with any conditions that the court determines appropriate to ensure the safety and care of the child, including requiring the noncustodial parent to cooperate with paternity establishment proceedings if the noncustodial parent has not been adjudicated the child's father; or

(2) into foster care as defined in section 260C.007, subdivision 18, under the legal responsibility of the responsible social services agency or responsible probation or corrections agency for the purposes of protective care as that term is used in the juvenile court rules. The court shall not give the responsible social services legal custody and order a trial home visit at any time prior to adjudication and disposition under section 260C.201, subdivision 1, paragraph (a), clause (3), but may order the child returned to the care of the parent or guardian who has custody and from whom the child was removed and order the parent or guardian to comply with any conditions the court determines to be appropriate to meet the safety, health, and welfare of the child.

(d) In determining whether the child's health or welfare would be immediately endangered, the court shall consider whether the child would reside with a perpetrator of domestic child abuse.

(e) The court, before determining whether a child should be placed in or continue in foster care under the protective care of the responsible agency, shall also make a determination, consistent with section 260.012 as to whether reasonable efforts were made to prevent placement or whether reasonable efforts to prevent placement are not required. In the case of an Indian child, the court shall determine whether active efforts, according to section 260.762 and the Indian Child Welfare Act of 1978, United States Code, title 25, section 1912(d), were made to prevent placement. The court shall enter a finding that the responsible social services agency has made reasonable efforts to prevent placement when the agency establishes either:

(1) that the agency has actually provided services or made efforts in an attempt to prevent the child's removal but that such services or efforts have not proven sufficient to permit the child to safely remain in the home; or

(2) that there are no services or other efforts that could be made at the time of the hearing that could safely permit the child to remain home or to return home. The court shall not make a reasonable efforts determination under this clause unless the court is satisfied that the agency has sufficiently demonstrated to the court that there were no services or other efforts that the agency was able to provide at the time of the hearing enabling the child to safely remain home or to safely return home. When reasonable efforts to prevent placement are required and there are services or other efforts that could be ordered that would permit the child to safely return home, the court shall order the child returned to the care of the parent or guardian and the services or efforts put in place to ensure the child's safety. When the court makes a prima facie determination that one of the circumstances under paragraph (g) exists, the court shall determine that reasonable efforts to prevent placement and to return the child to the care of the parent or guardian are not required.

(f) If the court finds the social services agency's preventive or reunification efforts have not been reasonable but further preventive or reunification efforts could not permit the child to safely remain at home, the court may nevertheless authorize or continue the removal of the child.

(g) The court may not order or continue the foster care placement of the child unless the court makes explicit, individualized findings that continued custody of the child by the parent or guardian would be contrary to the welfare of the child and that placement is in the best interest of the child.

(h) At the emergency removal hearing, or at any time during the course of the proceeding, and upon notice and request of the county attorney, the court shall determine whether a petition has been filed stating a prima facie case that:

(1) the parent has subjected a child to egregious harm as defined in section 260C.007, subdivision 14;

(2) the parental rights of the parent to another child have been involuntarily terminated;

(3) the child is an abandoned infant under section 260C.301, subdivision 2, paragraph (a), clause (2);

(4) the parents' custodial rights to another child have been involuntarily transferred to a relative under a juvenile protection proceeding or a similar process of another jurisdiction;

5.1 (5) the parent has committed sexual abuse as defined in section 260E.03, against the  
5.2 child or another child of the parent;

5.3 (6) the parent has committed an offense that requires registration as a predatory offender  
5.4 under section 243.166, subdivision 1b, paragraph (a) or (b); or

5.5 (7) the provision of services or further services for the purpose of reunification is futile  
5.6 and therefore unreasonable.

5.7 (i) When a petition to terminate parental rights is required under section 260C.301,  
5.8 subdivision 4, or 260C.503, subdivision 2, but the county attorney has determined not to  
5.9 proceed with a termination of parental rights petition, and has instead filed a petition to  
5.10 transfer permanent legal and physical custody to a relative under section 260C.507, the  
5.11 court shall schedule a permanency hearing within 30 days of the filing of the petition.

5.12 (j) If the county attorney has filed a petition under section 260C.307, the court shall  
5.13 schedule a trial under section 260C.163 within 90 days of the filing of the petition except  
5.14 when the county attorney determines that the criminal case shall proceed to trial first under  
5.15 section 260C.503, subdivision 2, paragraph (c).

5.16 (k) If the court determines the child should be ordered into foster care and the child's  
5.17 parent refuses to give information to the responsible social services agency regarding the  
5.18 child's father or relatives of the child, the court may order the parent to disclose the names,  
5.19 addresses, telephone numbers, and other identifying information to the responsible social  
5.20 services agency for the purpose of complying with sections 260C.150, 260C.151, 260C.212,  
5.21 260C.215, 260C.219, and 260C.221.

5.22 (l) If a child ordered into foster care has siblings, whether full, half, or step, who are  
5.23 also ordered into foster care, the court shall inquire of the responsible social services agency  
5.24 of the efforts to place the children together as required by section 260C.212, subdivision 2,  
5.25 paragraph (d), if placement together is in each child's best interests, unless a child is in  
5.26 placement for treatment or a child is placed with a previously noncustodial parent who is  
5.27 not a parent to all siblings. If the children are not placed together at the time of the hearing,  
5.28 the court shall inquire at each subsequent hearing of the agency's reasonable efforts to place  
5.29 the siblings together, as required under section 260.012. If any sibling is not placed with  
5.30 another sibling or siblings, the agency must develop a plan to facilitate visitation or ongoing  
5.31 contact among the siblings as required under section 260C.212, subdivision 1, unless it is  
5.32 contrary to the safety or well-being of any of the siblings to do so.

5.33 (m) When the court has ordered the child into the care of a noncustodial parent or in  
5.34 foster care, the court may order a chemical dependency evaluation, mental health evaluation,

medical examination, and parenting assessment for the parent as necessary to support the development of a plan for reunification required under subdivision 7 and section 260C.212, subdivision 1, or the child protective services plan under section 260E.26, and Minnesota Rules, part 9560.0228.

(n) When the court has ordered an Indian child into an emergency child placement, the Indian child shall be placed according to the placement preferences in the Minnesota Indian Family Preservation Act, section 260.773. "

Page 47, reinstate line 4

Page 47, line 5, reinstate everything before "~~This~~"

Page 47, delete section 12 and insert:

**"Sec. 7. DIRECTION TO COMMISSIONER OF HUMAN SERVICES; STUDY OF CHILD PLACEMENT AND PERMANENCY; PRACTICE RECOMMENDATIONS.**

Subdivision 1. Study parameters. By September 1, 2024, the commissioner of human services shall contract with an independent consultant to evaluate the effects of child placement in foster care and out-of-home settings on the safety, permanency, and well-being of the child. The study must be designed to evaluate the system overall for a child's placement and permanency. The study shall identify and evaluate factors designed to ensure emotional and physical safety of the child in the context of child placement and permanency dispositions and shall include an analysis of structuring out-of-home placement decisions, reunification timelines, and service provisions to best allow the parents to engage in positive parenting of the child. The goal is to determine guidelines for when to place a child out-of-home, who to place the child with, when and how to keep the child connected to family and community, and what timelines support building a stable base for the child's parents to engage in necessary treatment, including but not limited to substance use or mental health treatment, before undertaking parenting responsibilities.

(b) The study shall take into account the educational and behavioral development, mental health functioning, and placement stability of the child. The study shall also take into consideration the social, financial, and whole health of the family unit.

Subd. 2. Collaboration with interested parties. The consultant shall design the study with an advisory group consisting of:

(1) the commissioner of human services, or a designee;

(2) the commissioner of children, youth, and families, or a designee;

- 7.1 (3) the ombudsperson for foster youth, or a designee;
- 7.2 (4) a representative from the Association of Minnesota Counties appointed by the
- 7.3 association;
- 7.4 (5) two members representing county social services agencies, one from the seven-county
- 7.5 metropolitan area and one from Greater Minnesota;
- 7.6 (6) one member appointed by the Minnesota Council on Disability;
- 7.7 (7) one member appointed by the Indian Child Welfare Advisory Council;
- 7.8 (8) one member appointed by the Ombudsperson for American Indian Families;
- 7.9 (9) one member appointed by the Children's Alliance;
- 7.10 (10) up to four members appointed by the ombudsperson for families;
- 7.11 (11) up to four members from the Children's Justice Task Force; and
- 7.12 (12) members of the public appointed by the governor representing:
- 7.13 (i) one member 18 years of age who has lived experience with the child welfare system;
- 7.14 (ii) one member 18 years of age or older who has lived experience with the child welfare
- 7.15 system as a parent or caregiver;
- 7.16 (iii) one member who is working with or advocating for children with disabilities;
- 7.17 (iv) one member with experience working with or advocating for LGBTQ youth;
- 7.18 (v) one member working with or advocating for Indigenous children;
- 7.19 (vi) one member working with or advocating for black children or youth;
- 7.20 (vii) one member working with or advocating for other children of color;
- 7.21 (viii) one member who is an attorney representing children in child placement
- 7.22 proceedings;
- 7.23 (ix) one member who is a Tribal attorney in child placement proceedings;
- 7.24 (x) one member who is an attorney representing parents in child placement proceedings;
- 7.25 (xi) one member with experience in children's mental health;
- 7.26 (xii) one member with experience in adult mental health; and
- 7.27 (xiii) one member who is a substance abuse professional.

Subd. 3. **Report.** By September 1, 2027, the consultant shall submit a final report to the commissioner of human services and to the chairs and ranking minority members of the legislative committees with jurisdiction over health and human services. The final report must include a recommendation on the optimal time frame for child placement in foster care or out-of-home placement. The commissioner of human services shall include a report on needed statutory changes as a result of the consultant's report.

Subd. 4. **Appropriation.** \$..... in fiscal year 2025 and \$..... in fiscal year 2026 are appropriated from the general fund to the commissioner of human services to carry out the study required under this section."

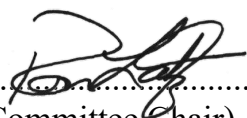
Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the second semicolon, insert "requiring a study of child placement and permanency; requiring a report; appropriating money;"

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on Finance.  
Amendments adopted. Report adopted.

  
.....  
(Committee Chair)

April 15, 2024.....  
(Date of Committee recommendation)