

- 1.1 Senator moves to amend S.F. No. 1786 as follows:
- 1.2 Page 1, line 15, before "includes" insert "also"
- 1.3 Page 1, line 16, after "who" insert ", prior to the child's placement in the individual's
1.4 home for foster care or adoption,"
- 1.5 Page 2, line 4, after the comma, insert "depending on funding available,"
- 1.6 Page 2, delete lines 6 to 14
- 1.7 Page 2, line 15, delete "(d)" and insert "(c)"
- 1.8 Page 2, line 28, after the second "child" insert ", and only serve a relative child,"
- 1.9 Page 4, line 17, after "child" insert ", and only serves a relative child,"
- 1.10 Page 4, line 29, after "child" insert "and who only serve a relative child who does not
1.11 have fetal alcohol spectrum disorder"
- 1.12 Page 5, line 8, after the period, insert "This section does not apply to a child foster care
1.13 license holder who is licensed to care for both a relative child and a nonrelative child."
- 1.14 Page 6, delete sections 8 and 9 and insert:
- 1.15 "Sec. 8. Minnesota Statutes 2024, section 142G.02, subdivision 12, is amended to read:
- 1.16 Subd. 12. **Caregiver.** "Caregiver" means a minor child's birth or adoptive parent or
1.17 parents and stepparent who live in the home with the minor child. For purposes of
1.18 determining eligibility for this program, caregiver also means any of the following
1.19 individuals, if adults, who live with and provide care and support to a minor child when the
1.20 minor child's birth or adoptive parent or parents or stepparents do not reside in the same
1.21 home: legal custodian or guardian, grandfather, grandmother, brother, sister, half brother,
1.22 half sister, stepbrother, stepsister, uncle, aunt, first cousin or first cousin once removed,
1.23 nephew, niece, person of preceding generation as denoted by prefixes of "great,"
1.24 "great-great," or "great-great-great," or a spouse of any person named in the above groups
1.25 even after the marriage ends by death or divorce. For the purposes of child-only cases under
1.26 section 142G.01, subdivision 8, caregiver also includes an individual who is an important
1.27 friend of the child or the child's parent or custodian, including an individual with whom the
1.28 child has resided or had significant contact or who has a significant relationship to the child
1.29 or the child's parent or custodian."

2.1 Page 7, line 9, after the period, insert "For purposes of background studies affiliated
2.2 with child foster care licensure, a person is a relative if the person was known to the child
2.3 or the child's parent before the child is placed in foster care."

2.4 Page 7, delete section 12

2.5 Page 11, delete section 14 and insert:

2.6 "Sec. 12. Minnesota Statutes 2024, section 245C.15, subdivision 4a, is amended to read:

2.7 Subd. 4a. **Licensed family foster setting disqualifications.** (a) Notwithstanding
2.8 subdivisions 1 to 4, for a background study affiliated with a licensed family foster setting,
2.9 regardless of how much time has passed, an individual is disqualified under section 245C.14
2.10 if the individual committed an act that resulted in a felony-level conviction for sections:
2.11 609.185 (murder in the first degree); 609.19 (murder in the second degree); 609.195 (murder
2.12 in the third degree); 609.20 (manslaughter in the first degree); 609.205 (manslaughter in
2.13 the second degree); 609.2112 (criminal vehicular homicide); ~~609.221 (assault in the first~~
2.14 ~~degree)~~; 609.223, subdivision 2 (assault in the third degree, past pattern of child abuse);
2.15 609.223, subdivision 3 (assault in the third degree, victim under four); a felony offense
2.16 under sections 609.2242 and 609.2243 (domestic assault, spousal abuse, child abuse or
2.17 neglect, or a crime against children); 609.2247 (domestic assault by strangulation); 609.2325
2.18 (criminal abuse of a vulnerable adult resulting in the death of a vulnerable adult); 609.245
2.19 (aggravated robbery); 609.247, subdivision 2 or 3 (carjacking in the first or second degree);
2.20 609.25 (kidnapping); 609.255 (false imprisonment); 609.2661 (murder of an unborn child
2.21 in the first degree); 609.2662 (murder of an unborn child in the second degree); 609.2663
2.22 (murder of an unborn child in the third degree); 609.2664 (manslaughter of an unborn child
2.23 in the first degree); 609.2665 (manslaughter of an unborn child in the second degree);
2.24 609.267 (assault of an unborn child in the first degree); 609.2671 (assault of an unborn child
2.25 in the second degree); 609.268 (injury or death of an unborn child in the commission of a
2.26 crime); 609.322, subdivision 1 (solicitation, inducement, and promotion of prostitution; sex
2.27 trafficking in the first degree); 609.324, subdivision 1 (other prohibited acts; engaging in,
2.28 hiring, or agreeing to hire minor to engage in prostitution); 609.342 (criminal sexual conduct
2.29 in the first degree); 609.343 (criminal sexual conduct in the second degree); 609.344 (criminal
2.30 sexual conduct in the third degree); 609.345 (criminal sexual conduct in the fourth degree);
2.31 609.3451 (criminal sexual conduct in the fifth degree); 609.3453 (criminal sexual predatory
2.32 conduct); 609.3458 (sexual extortion); 609.352 (solicitation of children to engage in sexual
2.33 conduct); 609.377 (malicious punishment of a child); 609.378 (neglect or endangerment of
2.34 a child); 609.561 (arson in the first degree); 609.582, subdivision 1 (burglary in the first

degree); 609.746 (interference with privacy); 617.23 (indecent exposure); 617.246 (use of minors in sexual performance prohibited); or 617.247 (possession of pictorial representations of minors).

(b) Notwithstanding subdivisions 1 to 4, for the purposes of a background study affiliated with a licensed family foster setting, an individual is disqualified under section 245C.14, regardless of how much time has passed, if the individual:

(1) committed an action under paragraph (e) that resulted in death or involved sexual abuse, as defined in section 260E.03, subdivision 20;

(2) committed an act that resulted in a gross misdemeanor-level conviction for section 609.3451 (criminal sexual conduct in the fifth degree);

(3) committed an act against or involving a minor that resulted in a felony-level conviction for: section 609.222 (assault in the second degree); 609.223, subdivision 1 (assault in the third degree); 609.2231 (assault in the fourth degree); or 609.224 (assault in the fifth degree); or

(4) committed an act that resulted in a misdemeanor or gross misdemeanor-level conviction for section 617.293 (dissemination and display of harmful materials to minors).

(c) Notwithstanding subdivisions 1 to 4, for a background study affiliated with a licensed family foster setting;

(1) an individual is disqualified under section 245C.14 if fewer than 20 years have passed since the termination of the individual's parental rights under section 260C.301, subdivision 1, paragraph (b), or if the individual consented to a termination of parental rights under section 260C.301, subdivision 1, paragraph (a), to settle a petition to involuntarily terminate parental rights. An individual is disqualified under section 245C.14 if fewer than 20 years have passed since the termination of the individual's parental rights in any other state or country, where the conditions for the individual's termination of parental rights are substantially similar to the conditions in section 260C.301, subdivision 1, paragraph (b); or

(2) when an individual is a relative of the child in foster care, an individual is disqualified under section 245C.14 if fewer than seven years have passed since the termination of the individual's parental rights under section 260C.301, subdivision 1, paragraph (b), or if the individual consented to a termination of parental rights under section 260C.301, subdivision 1, paragraph (a), to settle a petition to involuntarily terminate parental rights. An individual is disqualified under section 245C.14 if fewer than seven years have passed since the termination of the individual's parental rights in any other state or country, where the

conditions for the individual's termination of parental rights are substantially similar to the conditions in section 260C.301, subdivision 1, paragraph (b).

(d) Notwithstanding subdivisions 1 to 4, for a background study affiliated with a licensed family foster setting, an individual is disqualified under section 245C.14 if fewer than five years have passed since a felony-level violation for sections: 152.021 (controlled substance crime in the first degree); 152.022 (controlled substance crime in the second degree); 152.023 (controlled substance crime in the third degree); 152.024 (controlled substance crime in the fourth degree); 152.025 (controlled substance crime in the fifth degree); 152.0261 (importing controlled substances across state borders); 152.0262, subdivision 1, paragraph (b) (possession of substance with intent to manufacture methamphetamine); 152.027, subdivision 6, paragraph (c) (sale or possession of synthetic cannabinoids); 152.096 (conspiracies prohibited); 152.097 (simulated controlled substances); 152.136 (anhydrous ammonia; prohibited conduct; criminal penalties; civil liabilities); 152.137 (methamphetamine-related crimes involving children or vulnerable adults); 169A.24 (felony first-degree driving while impaired); 243.166 (violation of predatory offender registration requirements); 609.2113 (criminal vehicular operation; bodily harm); 609.2114 (criminal vehicular operation; unborn child); 609.221 (assault in the first degree); 609.228 (great bodily harm caused by distribution of drugs); 609.2325 (criminal abuse of a vulnerable adult not resulting in the death of a vulnerable adult); 609.233 (criminal neglect); 609.235 (use of drugs to injure or facilitate a crime); 609.24 (simple robbery); 609.247, subdivision 4 (carjacking in the third degree); 609.322, subdivision 1a (solicitation, inducement, and promotion of prostitution; sex trafficking in the second degree); 609.498, subdivision 1 (tampering with a witness in the first degree); 609.498, subdivision 1b (aggravated first-degree witness tampering); 609.562 (arson in the second degree); 609.563 (arson in the third degree); 609.582, subdivision 2 (burglary in the second degree); 609.66 (felony dangerous weapons); 609.687 (adulteration); 609.713 (terroristic threats); 609.749, subdivision 3, 4, or 5 (felony-level harassment or stalking); 609.855, subdivision 5 (shooting at or in a public transit vehicle or facility); or 624.713 (certain people not to possess firearms).

(e) Notwithstanding subdivisions 1 to 4, except as provided in paragraph (a), for a background study affiliated with a licensed family child foster care license, an individual is disqualified under section 245C.14 if fewer than five years have passed since:

(1) a felony-level violation for an act not against or involving a minor that constitutes: section 609.222 (assault in the second degree); 609.223, subdivision 1 (assault in the third degree); 609.2231 (assault in the fourth degree); or 609.224, subdivision 4 (assault in the fifth degree);

(2) a violation of an order for protection under section 518B.01, subdivision 14;

(3) a determination or disposition of the individual's failure to make required reports under section 260E.06 or 626.557, subdivision 3, for incidents in which the final disposition under chapter 260E or section 626.557 was substantiated maltreatment and the maltreatment was recurring or serious;

(4) a determination or disposition of the individual's substantiated serious or recurring maltreatment of a minor under chapter 260E, a vulnerable adult under section 626.557, or serious or recurring maltreatment in any other state, the elements of which are substantially similar to the elements of maltreatment under chapter 260E or section 626.557 and meet the definition of serious maltreatment or recurring maltreatment;

(5) a gross misdemeanor-level violation for sections: 609.224, subdivision 2 (assault in the fifth degree); 609.2242 and 609.2243 (domestic assault); 609.233 (criminal neglect); 609.377 (malicious punishment of a child); 609.378 (neglect or endangerment of a child); 609.746 (interference with privacy); 609.749 (stalking); or 617.23 (indecent exposure); or

(6) committing an act against or involving a minor that resulted in a misdemeanor-level violation of section 609.224, subdivision 1 (assault in the fifth degree).

(f) For purposes of this subdivision, the disqualification begins from:

(1) the date of the alleged violation, if the individual was not convicted;

(2) the date of conviction, if the individual was convicted of the violation but not committed to the custody of the commissioner of corrections; or

(3) the date of release from prison, if the individual was convicted of the violation and committed to the custody of the commissioner of corrections.

Notwithstanding clause (3), if the individual is subsequently reincarcerated for a violation of the individual's supervised release, the disqualification begins from the date of release from the subsequent incarceration.

(g) Notwithstanding paragraph (f), for purposes of paragraph (d), the disqualification begins from the date of the alleged violation when the individual is a relative of the child in foster care.

(h) An individual's aiding and abetting, attempt, or conspiracy to commit any of the offenses listed in paragraphs (a) and (b), as each of these offenses is defined in Minnesota Statutes, permanently disqualifies the individual under section 245C.14. An individual is disqualified under section 245C.14 if fewer than five years have passed since the individual's

6.1 aiding and abetting, attempt, or conspiracy to commit any of the offenses listed in paragraphs
6.2 (d) and (e).

6.3 ~~(h)~~ (i) An individual's offense in any other state or country, where the elements of the
6.4 offense are substantially similar to any of the offenses listed in paragraphs (a) and (b),
6.5 permanently disqualifies the individual under section 245C.14. An individual is disqualified
6.6 under section 245C.14 if fewer than five years have passed since an offense in any other
6.7 state or country, the elements of which are substantially similar to the elements of any
6.8 offense listed in paragraphs (d) and (e).

6.9 Sec. 13. Minnesota Statutes 2024, section 260C.221, subdivision 2, is amended to read:

6.10 Subd. 2. **Relative notice requirements.** (a) The agency may provide oral or written
6.11 notice to a child's relatives. In the child's case record, the agency must document providing
6.12 the required notice to each of the child's relatives. The responsible social services agency
6.13 must notify relatives:

6.14 (1) of the need for a foster home for the child, the option to become a placement resource
6.15 for the child, the order of placement that the agency will consider under section 260C.212,
6.16 subdivision 2, paragraph (a), and the possibility of the need for a permanent placement for
6.17 the child;

6.18 (2) of their responsibility to keep the responsible social services agency and the court
6.19 informed of their current address in order to receive notice in the event that a permanent
6.20 placement is sought for the child and to receive notice of the permanency progress review
6.21 hearing under section 260C.204. A relative who fails to provide a current address to the
6.22 responsible social services agency and the court forfeits the right to receive notice of the
6.23 possibility of permanent placement and of the permanency progress review hearing under
6.24 section 260C.204, until the relative provides a current address to the responsible social
6.25 services agency and the court. A decision by a relative not to be identified as a potential
6.26 permanent placement resource or participate in planning for the child shall not affect whether
6.27 the relative is considered for placement of, or as a permanency resource for, the child with
6.28 that relative at any time in the case, and shall not be the sole basis for the court to rule out
6.29 the relative as the child's placement or permanency resource;

6.30 (3) that the relative may participate in the care and planning for the child, as specified
6.31 in subdivision 3, including that the opportunity for such participation may be lost by failing
6.32 to respond to the notice sent under this subdivision;

6.33 (4) of the family foster care licensing and adoption home study requirements, including:

- 7.1 (i) how to complete an application and;
- 7.2 (ii) how to request a variance from licensing standards that do not present a safety or
- 7.3 health risk to the child in the home under section 142B.10 and;
- 7.4 (iii) supports that are available for relatives and children who reside in a family foster
- 7.5 home, including how to access respite care, strategies for leveraging natural supports for
- 7.6 the child and family, and ways to include resource or substitute caregivers in the child's
- 7.7 case plan; and
- 7.8 (iv) the relative's choice between county or private agency and services provided by that
- 7.9 agency under section 142B.30, depending on funding available;
- 7.10 (5) of the relatives' right to ask to be notified of any court proceedings regarding the
- 7.11 child, to attend the hearings, and of a relative's right to be heard by the court as required
- 7.12 under section 260C.152, subdivision 5;
- 7.13 (6) that regardless of the relative's response to the notice sent under this subdivision, the
- 7.14 agency is required to establish permanency for a child, including planning for alternative
- 7.15 permanency options if the agency's reunification efforts fail or are not required; ~~and~~
- 7.16 (7) that by responding to the notice, a relative may receive information about participating
- 7.17 in a child's family and permanency team if the child is placed in a qualified residential
- 7.18 treatment program as defined in section 260C.007, subdivision 26d; and
- 7.19 (8) information advising a relative on access to legal services and support.
- 7.20 (b) The responsible social services agency shall send the notice required under paragraph
- 7.21 (a) to relatives who become known to the responsible social services agency, except for
- 7.22 relatives that the agency does not contact due to safety reasons under subdivision 5, paragraph
- 7.23 (b). The responsible social services agency shall continue to send notice to relatives
- 7.24 notwithstanding a court's finding that the agency has made reasonable efforts to conduct a
- 7.25 relative search.
- 7.26 (c) The responsible social services agency is not required to send the notice under
- 7.27 paragraph (a) to a relative who becomes known to the agency after an adoption placement
- 7.28 agreement has been fully executed under section 260C.613, subdivision 1. If the relative
- 7.29 wishes to be considered for adoptive placement of the child, the agency shall inform the
- 7.30 relative of the relative's ability to file a motion for an order for adoptive placement under
- 7.31 section 260C.607, subdivision 6."
- 7.32 Page 15, line 6, delete "all written communications" and insert "home study and
- 7.33 background study"

- 8.1 Page 15, line 7, delete "and"
- 8.2 Page 15, delete section 16 and insert:
- 8.3 "Sec. 15. **DIRECTION TO COMMISSIONER OF CHILDREN, YOUTH, AND**
- 8.4 **FAMILIES; RELATIVE CHILD FOSTER CARE HOME STUDY.**
- 8.5 By July 1, 2026, the commissioner of children, youth, and families must create guidelines
- 8.6 for home studies of individuals seeking to provide foster care for a relative child. The
- 8.7 commissioner must consult with stakeholders during the development of the guidelines."
- 8.8 Page 15, line 24, after "for" insert "permanency support services under"
- 8.9 Page 15, delete section 18
- 8.10 Renumber the sections in sequence and correct the internal references
- 8.11 Amend the title accordingly