



**NUMBER**

#21-68-25

**DATE**

November 3, 2021

**OF INTEREST TO**

County and tribal social services directors

Social Services supervisors and staff

County and tribal attorneys

**ACTION/DUE DATE**

Please read information and prepare for implementation

**EXPIRATION DATE**

November 3, 2023

## Overview of 2021 child welfare legislation

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### TOPIC

Overview of 2021 child welfare legislation.

### PURPOSE

Provide a summary of 2021 legislative actions affecting delivery of child welfare services impacting children and families.

### CONTACT

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### SIGNED

A handwritten signature in black ink, appearing to read 'Tikki Brown', on a light gray background.

TIKKI BROWN  
Assistant commissioner  
Children and Family Services Administration

### TERMINOLOGY NOTICE

The terminology used to describe people we serve has changed over time. The Minnesota Department of Human Services (DHS) supports the use of "People First" language.

# I. Implementation of Family First Prevention Services Act: Requirements for residential services for children in foster care

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The following amendments were made to align Minnesota policy with Family First Prevention Services Act (FFPSA) [Public Law Numbers 115-123] requirements, and to facilitate implementation of federal requirements. See section II for a summary of changes related to youth who were or experiencing sex trafficking or commercial sexual exploitation.

## A. New and amended definitions

The following new amended definitions were effective July 1, 2021:

- Qualified individual [Minnesota Statutes, section 260C.007, subdivision 26c]: The definition of qualified individuals was amended to identify that tribes may designate qualified individuals who are trained culturally competent professionals or licensed clinicians. Qualified individuals must not be an employee of the responsible social service agency or an individual connected to or affiliated with any placement setting. [Laws of Minnesota 2021, chapter 30, article 10, section 26]
- Licensed residential family-based substance use disorder treatment program [Minnesota Statutes, section 260C.007, subdivision 22a]: The definition was amended to include tribally licensed or approved residential substance use disorder treatment programs to those in which children may be co-located in foster care with parent in family-based substance use disorder treatment program, and clarifies the statutory reference. [Laws of Minnesota 2021, chapter 30, article 10, section 25]

## B. Residential programs

### 1. License certifications

Minnesota Statutes, section 245A.25 was added to outline a new set of license certifications for Family First Prevention Services Act related requirements, effective May 26, 2021. The Minnesota Department of Human Services (department) staff will issue certifications to programs licensed by the department and the Minnesota Department of Corrections. For county agencies to claim Title IV-E for children placed in residential settings, residential programs must obtain one of four certifications from the department's Licensing Division, and must be Title IV-E approved by the department's Child Safety and Permanency Division.

The new certification types are:

- Qualified residential treatment program

- Residential settings for youth who were or at risk of becoming victims of sex trafficking or commercial sexual exploitation
- Residential settings specializing in providing prenatal, post-partum, or parenting supports for youth, and
- Supervised independent living settings for youth age 18 or older.

Minnesota Statutes, section 245A.25 describes the process for programs to request the above certifications, and creates certification requirements. For information on settings, see [Bulletin #21-68-17](#), Family First Prevention Services Act: Children’s residential facilities/foster residence settings implementation. [Laws of Minnesota 2021, chapter 30, article 10, section 10]

## **2. Maintenance payments for foster care residence settings**

Effective for placements on or after Sept. 30, 2021, Minnesota Statutes, section 260C.4412, excludes foster residence settings from the requirement to establish a lead county contract to receive foster care maintenance payments. This amendment sets the foster care maintenance payments for these settings to be consistent with the basic payment established in Minn. Stat. § 256N.26, subd. 3 (Northstar Care for Children), and subject to annual revision as specified in Minn. Stat. § 256N.26, subd. 9. [Laws of Minnesota 2021, chapter 30, article 10, section 35]

# **C. Juvenile treatment screening team and qualified residential treatment program (QRTP) assessment**

## **1. Juvenile treatment screening team**

Amendments to Minnesota Statutes, section 260C.157, subdivision 3, effective Sept. 30, 2021, corrects out-of-date terminology and clarifies statute, including aligning language with the federal definition of sex trafficked youth, and clarifying that a social services agency must consult with parents regardless of child’s age. Other changes include specifying that juvenile treatment screening teams must conduct screenings for placements in QRTPs for voluntary placements under Minn. Stat. Ch. 260D, and adding language to ensure parents are consulted about who is included on a child’s juvenile treatment screening team. [Laws of Minnesota 2021, chapter 30, article 10, section 28]

## **2. QRTP assessment**

Minnesota Statutes, section 245.4885, subdivision 1, was amended to reduce duplication. The change, effective Sept. 30, 2021, permits use of the validated tool to be completed as part of a QRTP assessment under Minn. Stat. § 260C.704, if a juvenile treatment screening team recommends children be placed in a QRTP. [Laws of Minnesota 2021, chapter 30, article 10, section 1].

Minnesota Statutes, section 260C.704, requires agencies to complete a child’s QRTP assessment by a qualified individual prior to placement in a QRTP. Qualified individuals work with child’s

family and permanency team. Effective Sept. 30, 2021, the section was amended to allow for immediate placement in a QRTP due to a crisis, and an assessment completed within 30 days of child's emergency placement. [Laws of Minnesota 2021, chapter 30, article 10, section 43]

Minnesota Statutes, section 260C.706, clarifies relatives should not be notified of a family and permanency team when the court ordered that relatives present a health or safety risk to child or family, effective Sept. 30, 2021. [Laws of Minnesota 2021, chapter 30, article 10, section 44]

## D. Court processes for QRTP placement

Changes effective Sept. 30, 2021 to Minnesota Statutes, section 260C.71 clarifies the 60-day review requirements for QRTP placement, as follows:

- Identifies social service agency must obtain a judicial finding within 60 days of placement.
- Identifies content of agency's report to court for placement in qualified residential treatment programs.
- Identifies specific notification requirements for parents and children aged 10 or older.
- Clarifies circumstances when a court hearing must be held, and when the court has discretion to hold a hearing or issue an order without a hearing.
- Clarifies how the court must consider a qualified individual's assessment, and content of a resulting court order.
- Clarifies actions a responsible social service agency must take when a qualified individual does not recommend placement in a qualified residential treatment program.
- Identifies responsible social service agency must file qualified individual's assessment determination at next required court hearing when they do not recommend placement in a qualified residential treatment program. [Laws of Minnesota 2021, chapter 30, article 10, section 46]

Minnesota Statutes, section 260C.212, subdivision 1a, clarifies an out-of-home placement plan must be filed with agency's report to court required under section 260C.71 and as part of the 60-day court order, effective Sept. 30, 2021. Minn. Stat. § 260C.708, identifies information regarding a family and permanency team that must be included in an out-of-home placement plan for children placed in QRTPs. [Laws of Minnesota 2021, chapter 30, article 10, sections 30 and 45]

Minnesota Statutes, section 260C.712, identifies when children are placed in out-of-state qualified residential treatment programs, the responsible social service agency must identify compelling reasons to the court at each permanency hearing why children's needs cannot be met by in-state placement. It identifies additional statutory references to court reviews where responsible social service agency must submit evidence regarding ongoing need for placement in a qualified residential treatment program. Effective Sept. 30, 2021. [Laws of Minnesota 2021, chapter 30, article 10, section 47]

Amendments to Minnesota Statutes, sections 260D.05; 260D.06, subdivision 2; 260D.07; and 260D.08 add FFPSA requirements to the content of court reports or petitions, and reviews when children are placed in qualified residential treatment program settings, effective Sept. 30, 2021. [Laws of Minnesota 2021, chapter 30, article 10, sections 50 to 53]

## **E. QRTP placement requirements applicable to children voluntarily placed in foster care for treatment**

Minnesota Statutes, Chapter 260D, was amended to ensure that when children are placed voluntarily in foster care for the sole purpose of treatment for mental, behavioral or physical health needs, FFPSA placement requirements are met and consistent with requirements in Minn. Stat. §§ 260C.70 to 260C.714, when a juvenile treatment screening team recommends placement in a QRTP. Effective Sept. 30, 2021. [Laws of Minnesota 2021, chapter 30, article 10, section 49]

## **F. Legislative report on reducing reliance on children’s congregate care**

The commissioner of the Minnesota Department of Human Services is directed to collaborate with stakeholders to conduct an analysis of the utilization and efficacy of current residential and psychiatric residential treatment facility options for children under the state Medicaid program. By Feb. 1, 2022, the commissioner must submit a report to the chairs and ranking minority members of the legislative committees with jurisdiction over health and human services. The report must identify systemic obstacles in transitioning children into community-based options, identify gaps in care for children with the most acute behavioral health treatment needs, and provide recommendations, including estimated costs, to develop infrastructure, eliminate system barriers, and enhance coordination to ensure children have access to behavioral health treatment services based on medical necessity and family and caregiver needs. [Laws of Minnesota 2021, chapter 7, article 17, section 13]

## **G. Direction to the commissioner: QRTP aftercare supports**

The commissioner is directed to consult with stakeholders to develop policies regarding aftercare supports for transition of children from a qualified residential treatment program to reunification with parent or legal guardian, including potential placement in a less restrictive setting prior to reunification that aligns with children’s permanency plans, and person-centered support plans, when applicable. The commissioner must complete development of policy guidance by Dec. 31, 2022. [2021 Legislative Session, chapter 30, article 10, section 79]

# **II. Sex trafficked, commercially sexually exploited and at risk youth**

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This section summarizes statutory changes related to sex trafficked, commercially sexually exploited and at risk youth regarding the implementation of FFPSA, including amending definitions, aligning statutes with the new definitions, and creating a new child protection training requirement. The new license certification requirements for facilities seeking to serve youth who were or at risk of sex trafficking or commercial sexual exploitation is in Section I (B).

[Minnesota's Best Practice Response to Human Trafficking and Sexual Exploitation of Children and Youth: A guide for county and tribal child welfare agencies](#) provides comprehensive guidance on the following changes in the 2021 revision.

## A. Amending definitions

Effective May 26, 2021, the day after enactment, the following definitions were added to the Human Services Licensing Act, Minnesota Statutes, Chapter 245A, to provide clarity and precision for new state certification requirements (in part I) developed to implement FFPSA, as follows:

- At risk of becoming a victim of sex trafficking or commercial sexual exploitation: [Minnesota Statutes, section 245A.02, subdivision 3c] Amends statute to include reference to new definition of at risk of becoming a victim of sex trafficking or commercial sexual exploitation. [2021 Legislative Session, chapter 30, article 10, section 2] See [Bulletin 21-68-13](#) for commissioner approved definition.
- Victim of sex trafficking or commercial sexual exploitation: [Minnesota Statutes, section 245A.02, subdivision 23] Amends statute to add reference to definitions of victim of sex trafficking or commercial sexual exploitation in Minn. Stat. § 260C.007, subd. 31. [2021 Legislative Session, chapter 30, article 10, section 7]

The following definition was amended, effective Sept. 30, 2021, in Minnesota Statutes, Chapter 260C:

- Sexually exploited youth: [Minnesota Statutes, section 260C.007, subdivision 31] Amends the definition of sexually exploited youth to include an individual who is a victim of commercial sexual exploitation, defined as sex trafficking in [22 U.S.C. § 7102](#) (11)(A) and (12). [Laws of Minnesota 2021, chapter 30, article 10, section 27]

## B. Aligning definitions in response to youth missing from care

Effective Sept. 30, 2021, Minnesota Statutes, section 260C.212, subdivision 13, is amended to align with the new definition of sexually exploited youth in Minn. Stat. § 260C.007, subd. 31, which was added to provide clarity in implementing FFPSA. [Laws of Minnesota 2021, chapter 30, article 10, section 32]

Changes include:

- Child welfare agencies now must screen youth who return after being missing from care for both sex trafficking and commercial sexual exploitation, as referenced in the amended definition of sexually exploited youth. [Minnesota Statutes, section 260C.212, subdivision 13 (e)]
- Agencies are required to notify law enforcement of suspected sex trafficking and commercial sexual exploitation of children and youth who return from being missing from care. [Minnesota Statutes, section 260C.212, subdivision 13(f)]

- Agencies should also determine appropriate services for children they have placement responsibility for, care or supervision over, and whom they reasonably believe may have been, or at risk of becoming, victims of sex trafficking or commercial sexual exploitation. [Minnesota Statutes, section 260C.212, subdivision 13 (g)] The term “at risk” of sex trafficking or commercial exploitation is defined by the commissioner in [Bulletin 21-68-13](#).

## C. Aligning definitions in juvenile treatment screening team requirements

Minnesota Statutes, section 260C.157, subdivision 3, was amended to align with the new definition of sexually exploited youth in Minn. Stat. § 260C.007, subd. 31, effective Sept. 30, 2021. This change aligns language in the new definition of sexually exploited youth to provide clarity in implementation of new requirements under FFPSA. [Laws of Minnesota 2021, chapter 30, article 10, section 28]

## D. New child protection sex trafficking and sexual exploitation training requirement

Minnesota Statutes, section 260E.36, subdivision 1a, is added to require all staff with child protection duties under Minn. Stat. Chs. 260C or 260E, are required to complete training implemented by the commissioner on sex trafficking and sexual exploitation of youth, effective July 1, 2021. In compliance with the Justice for Victims of Trafficking Act, training will include identification, assessment and comprehensive service delivery for youth who were or at risk of sex trafficking or commercial sexual exploitation, in coordination with the Minnesota Safe Harbor response network. Future communication will outline training needed to meet this new requirement. [Laws of Minnesota 2021, chapter 30, article 10, section 58]

# III. Foster care and successful transition to adulthood policy

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## A. Foster care placement and discharge

### 1. Foster care policy

The preference order in Minnesota Statutes, section 260C.212, subdivision 2, for out-of-home placement was amended to add “the legal parent, guardian, or custodian of the child’s siblings” to individuals related to children by blood, marriage or adoption, effective July 1, 2021. [2021 Laws of Minnesota, chapter 30, article 10, section 31]

Effective July 1, 2021, amendments to Minnesota Statutes, sections 259.83, subdivision 1a; 260C.212, subdivision 1; and 260C.219, subdivision 15; clarify that a responsible social service

agency must share children’s social and medical history, including their health and education reports, with them upon discharge from foster care. Changes also clarify there are two versions of the social and medical history form, and agencies should use the applicable version. [Laws of Minnesota 2021, chapter 30, article 10, sections 20, 29 and 34]

## **2. Report on participation in early childhood programs by children in foster care**

The department is directed to issue a report on participation in early care and education programs by children under age 6 who experienced foster care. The report is to be completed in collaboration with the commissioners of the Minnesota Departments of Health and Education, county agencies, early care and education providers, judiciary and school districts. The report is due at the legislature by Dec. 1, 2022. [Laws of Minnesota 2021, 1st Spec. Sess., chapter 7, article 14, section 20].

## **3. Appropriations**

An appropriation was established for the Indian Child Welfare Training and Certification Partnership at the University of Minnesota Duluth to provide training, establish federal Indian Child Welfare Act (ICWA) and Minnesota Indian Family Preservation Act (MIFPA) training requirements for child welfare workers, as well as develop indigenous child welfare training for American Indian tribes. [Laws of Minnesota 2021, 1st Spec. Sess., chapter 7, article 16, subdivision 3]

An appropriation was established for county agency costs, including administrative costs, to obtain Title IV-E reimbursement related to court-appointed counsel in child protection hearings. The department shall distribute to counties based on proportional share of emergency protective care hearings averaged over the previous years. [Laws of Minnesota 2021, 1st Spec. Sess., chapter 7, article 16, section 2, subdivision 22]

## **4. Lead tribal contracts**

Effective May 26, 2021, Minnesota Statutes, sections 256.01, subdivision 14b; and 256.0112, subdivision 6, establishes lead tribal contracts for Initiative tribes and identifies provisions to govern contracting within and across reservation boundaries. [Laws of Minnesota 2021, chapter 30, article 10, sections 11 and 12]

## **B. Successful Transition to Adulthood (STAY)**

Minnesota Statutes, section 260C.452, was amended to define and extend services to older youth based on amendments to the federal Chafee program to increase the age to 23, per FFPSA. For the purpose of Minn. Stat. § 260C.452, “youth” was redefined as a person who is at least age 14 and under age 23. The changes, effective July 1, 2021, outline youth eligibility for services and independent living skills service provisions. The changes define case management services as the responsibility for planning,

coordinating, authorizing, monitoring, and evaluating services. Another provision extends the 90-day transition plan to 180 days.

Also effective July 1, 2021, new provisions in Minnesota Statutes, sections 260C.452 and 260D.14, subdivision 2, require written notice when case management services are terminated. References to the Healthy Transitions and Homeless Prevention program were removed, as this program is not available statewide. [Laws of Minnesota 2021, chapter 30, article 10, sections 36 and 54]

## **D. Licensing standards and background studies**

### **1. Child foster care background studies**

The background study process was reformed for family child foster care, which took effect July 1, 2021. The new law better aligns background study requirements for family child foster care licensure with federal Adam Walsh background study requirements. Some disqualifying crimes were removed, and others were assigned a five-year or permanent disqualification. The changes remove seven- and 10-year disqualifications, or seven- and 10-year bars to setting aside a disqualification. The changes also establish a process for county and private agencies to review non-disqualifying background study information before making a recommendation to grant, deny, or revoke a license. The delayed effective date of July 1, 2022, allows time for the department to organize staffing, technology updates, and training required for implementation. Note: these changes only relate to family child foster care and do not impact foster residence settings. [Laws of Minnesota 2021, 1st Spec. Sess., chapter 7, article 2, sections 53 and 55]

### **2. Child foster care licensing guidelines**

The commissioner is directed to consult with stakeholders and develop family foster setting licensing guidelines for county and private agencies by July 1, 2023. The department's Licensing and Child Safety and Permanency divisions will work jointly on this initiative, hiring positions to support this work. [Laws of Minnesota 2021, 1st Spec. Sess., chapter 7, article 2, section 70]

## **E. Pathway for children entering residential treatment voluntarily**

The legislature developed an option to access residential behavioral health treatment services for children and families who may be better served outside the foster care system in a non-foster care treatment model. This requires the commissioner to organize a work group, in consultation with specified entities and individuals, to develop recommendations on funding room and board costs for children's mental health residential treatment, and how to address systemic barriers in transitioning children into the community. It provides funding to offset county room and board costs. A report to the legislature with recommendations is required by Feb. 15, 2022; a bulletin will be issued with more information. [Laws of Minnesota 2021, 1st Spec. Sess., chapter 7, article 11, sections 2 to 5, 49 (paragraph b), and article 16, section 2, subdivision 7, paragraph a]

## IV. Child protection policy

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### A. Mandated reporting

#### 1. Reporting substance use in pregnant women

Amendments were made to prenatal substance exposure reporting in Minnesota Statutes, section 260E.31, subdivision 1, effective July 1, 2021. The amendment identifies a health care professional is not required to report substance use by pregnant women if mandated reporter is collaborating with other health care professionals to provide mother and infant with care. If a woman stops receiving prenatal or post-partum care, or seeking care for her infant, mandated reporters are required to report exposure of a child to controlled substances. [Laws of Minnesota 2021, chapter 30, article 10, section 56]

#### 2. Private or public youth recreation program reporting and training requirements

A new section, Minnesota Statutes, section 260E.055, establishes a new mandated reporting requirement for employees and supervisors of public or private youth recreation programs, effective July 1, 2022. Private or public youth recreation programs “includes but is not limited to day camps or programs involving athletics, theater, arts, religious education, outdoor education, youth empowerment, or socialization.” [Minn. Stat. § 260E.055, subd. 1(f)] This provision requires reporters to:

- Immediately report information to their local agency responsible for investigating reports in the event that a supervisor or employee knows or suspects another employee or supervisor is abusing/has abused a child within three years, or when child has disclosed they were abused within the past three years
- Prohibits retaliation for reporting
- Establishes immunity for reporting or assisting with a report, or cooperating with an assessment or investigation
- Provides that a person who knowingly or recklessly makes a false report is liable for actual damages suffered by a person reported and for punitive damages. [Laws of Minnesota 2021, 1st Spec. Sess., chapter 7, article 10, section 1]

Also effective July 1, 2022, a new section, Minnesota Statutes, section 260E.065, requires local welfare agencies to offer training to mandated reporters of abuse (under Minn. Stat. § 260E.055), or maltreatment (under Minn. Stat. § 260E.06), or direct reporters to trainings offered by the commissioner. Allows training to be offered online or in person, and specifies training must include:

- An explanation of legal obligations of reporter

- Consequences of failure to report, and
- Instructions on detection and reporting of maltreatment as defined in statute. [Laws of Minnesota 2021, 1st Spec. Sess., chapter 7, article 10, section 2]

## **B. Face-to-face contact requirements**

Effective July 1, 2021, Minnesota Statutes, section 260E.20, subdivision 2, was amended to allow the requirement for 24-hour face-to-face contact with children and primary caregivers in response to reports alleging sexual abuse or substantial child endangerment be postponed for no more than five calendar days in specified circumstances. These circumstances are outlined in [Bulletin #21-68-18](#): Statutory exceptions for face-to-face contact. [Laws of Minnesota 2021, chapter 30, article 10, section 55]

## **C. Miscellaneous child protection policies**

### **1. Legislative Task Force on the Protection of Children**

Effective immediately, session law re-establishes the Legislative Task Force on the Protection of Children, with an expiration date of Dec. 31, 2024. The previous task force was also established in session law, which expired in December 2020. The task force will:

- Review efforts being made to implement recommendations of the Governor's Task Force on the Protection of Children
- Expand efforts into related areas of the child welfare system
- Work with the commissioner and community partners to establish and evaluate child protection disparity grants
- Review and recommend alternatives to law enforcement responding to maltreatment reports by removing children and evaluate situations in which it may be appropriate for caseworkers or other child protection workers to remove children from the home
- Evaluate current statutes governing mandatory reporters, consider modification of mandatory reporting requirements for private or public youth recreation programs, and if necessary, introduce legislation by Feb. 15, 2022, to implement appropriate modifications
- Evaluate and consider the intersection of educational neglect and the child protection system, and
- Identify additional areas within the child welfare system that need to be addressed by the legislature. [Laws of Minnesota 2021, 1st Spec. Sess., chapter 7, article 10, section 3]

### **2. Appeal of Maltreatment Determination – Notice required**

Effective July 1, 2021, Minnesota Statutes, section 260E.33 was added, requiring the Administrative Law Judge to notify children's relevant family of contested case proceedings based on a lead agency's investigation determination resulting in a contested case under Minn.

Stat. §§ 245A or 245C. The notice must be sent by certified mail, informing children’s relevant family they will be allowed to participate in proceedings. [Laws of Minnesota 2021, chapter 30, article 10, section 57]

## **V. Northstar Adoption and Kinship Assistance, adoption and guardianship policies**

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### **A. Northstar Adoption Assistance and Northstar Kinship Assistance**

#### **1. Technical amendments**

Effective July 1, 2021, a series of technical changes were made to Minnesota Statutes, sections 256N.02, subdivision 17; 256N.23, subdivision 2(b)(5); 256N.24, subdivisions 1(d)(1), 8(b), 11(e), 12(b), and 14; and 259.35, subdivision 1. Changes included deleting or updating references to nonexistent programs (e.g., at-risk guardianship assistance), incorrect terms (e.g., guardianship, instead of kinship, assistance), and erroneous statutory cross-references. Child placing agencies should update written notice as required under Minn. Stat. § 259.35, subd. 1, to reflect changes. [Laws of Minnesota 2021, chapter 30, article 9, sections 2, 6 to 10 and 14]

Effective Aug. 1, 2021, Minnesota Statutes, sections 256N.25, subdivisions 1(b)(5) and 1a; 259.22, subdivision 4; and 259.73, moves the nonrecurring adoption expense reimbursement program out of Minn. Stat. Ch. 259A, which houses the pre-Northstar, or legacy, adoption assistance program. The nonrecurring adoption expense reimbursement program was moved to Minn. Stat. Ch. 256N, which houses the Northstar Adoption Assistance program. The amendments also codified existing policy on the nonrecurring kinship expense reimbursement program. [Laws of Minnesota 2021, chapter 30, article 9, sections 11 to 13, 15]

#### **2. Eligibility**

Minnesota Statutes, sections 256N.02, subdivision 16; and 256N.22, subdivision 1(a), clarify the required permanency disposition to establish Northstar Kinship Assistance eligibility cannot be a transfer of permanent legal and physical custody to a parent, nor can it include shared legal and/or physical custody between children’s parents and relative custodians, effective July 1, 2021. [Laws of Minnesota 2021, chapter 30, article 9, sections 1 and 3]

Minnesota Statutes, sections 256N.23, subdivision 2(b)(3); and 256N.23, subdivision 6(4), clarify eligibility criteria and benefit exclusions effective July 1, 2021. Clarification ensures relative custodians receiving Northstar Kinship Assistance on behalf of children in their care are able to apply for and, if eligible, receive Northstar Adoption Assistance if they pursue adoption of

children for whom they receive Northstar Kinship Assistance benefits. [Laws of Minnesota 2021, chapter 30, article 9, sections 4 and 5]

## **B. Adoption and guardianship**

### **1. Technical amendments**

A series of technical amendments were made to Minnesota Statutes, sections 259.83, subdivision 1a; 260C.212, subdivision 1; 260C.212, subdivision 15; 260C.219, subdivision 5; 260C.605, subdivision 1(d)(4); and 260C.609. The technical amendments are to reorganize statutory location of social and medical history requirements for children in foster care, and clarify access and distribution requirements for social and medical histories. Effective July 1, 2021. [Laws of Minnesota 2021, chapter 30, article 10, sections 16, 33, 37, 39 to 41]

A series of technical amendments were made to Minnesota Statutes, sections 260C.503, subdivision 2(d)(1); 260C.605, subdivision 1(d)(7); 260C.607, subdivisions 6(b)(f)(2); and 260C.615, subdivisions 1(b)(2). Amendments correct inaccurate statutory cross-references. Effective July 1, 2021. [Laws of Minnesota 2021, chapter 30, article 10, sections 16, 33, 37, 39 and 40]

### **2. Adoption processes**

A modification to Minnesota Statutes, section 259.241, explicitly allows youth in extended foster care to consent to their own adoption, provided the court with jurisdiction finds them competent to give consent, and to remove the automatic termination of sibling relationships upon finalization of an adult adoption, effective July 1, 2021. [Laws of Minnesota 2021, chapter 30, article 10, section 15]

Minnesota Statutes, section 259.53, subdivision 4, clarifies the requirement that children live in their proposed adoptive home for at least three months prior to granting an adoption petition applies only to adoptions under Minn. Stat. Ch. 259 (which does not include adoptions of children under guardianship of the commissioner). Effective July 1, 2021. [Laws of Minnesota 2021, chapter 30, article 10, sections 16, 33, 37, 39 and 40]

Minnesota Statutes, section 259A.75, subdivision 2, removes the requirement that children under guardianship of the commissioner already have a fully executed Adoption Placement Agreement for agencies to access adoption services (including recruitment services) on their behalf. Effective July 1, 2021. [Laws of Minnesota 2021, chapter 30, article 10, section 22]

Minnesota Statutes, section 260C.515, subdivision 3(8), allows courts to terminate parental rights when a parent has irrevocably consented to adoption of their child under Minn. Stat. § 260C.515, subd. 3, and the responsible social services agency determines that adoption by identified prospective adoptive parents is no longer possible, or identified prospective adoptive parents no longer wish to adopt. Effective July 1, 2021. [Laws of Minnesota 2021, chapter 30, article 10, section 38]

Effective July 1, 2021, Minnesota Statutes, section 260C.615, subdivisions 1(b)(3) and 2, clarifies the role of the commissioner in reviewing Adoption Placement Agreements of children under guardianship of the commissioner, and the commissioner's supervisory role in delegated agency responsibilities for children under guardianship. [Laws of Minnesota 2021, chapter 30, article 10, section 42]

### **3. State Adoption Exchange and adoption services for tribes**

Changes to Minnesota Statutes, section 259.75, subdivisions 5, 6 and 9, amend the State Adoption Exchange process, effective July 1, 2021. Amendments include updating State Adoption Exchange listing, review, and contracting requirements to ensure youth in extended foster care seeking an adoptive home can be listed on the State Adoption Exchange, clarifying commissioner review of children who are or should be listed on the Exchange, explicitly allowing the commissioner to contract for services to carry out the State Adoption Exchange requirements. [Laws of Minnesota 2021, chapter 30, article 10, sections 17 to 19]

Minnesota Statutes, section 259A.75, subdivisions 1(a), 3 and 4, allow tribal agencies access to adoption services through the commissioner that county agencies already access, effective July 1, 2021. [Laws of Minnesota 2021, chapter 30, article 10, sections 21, 23 and 24]

## **Americans with Disabilities Act (ADA) Advisory**

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