

MAAFPCWDA Statewide Workgroup Interim Report 2026

Minnesota

TABLE OF CONTENTS

Executive Summary.....	4
I. Background and Enacting Legislation	13
II. Overview of the Statewide Working Group	14
III. Preliminary Recommendations	19
1. DCYF should provide opportunities for feedback and ensure feedback loops occur..	19
2. DCYF should take specific actions to ensure consistent statewide implementation..	20
3. DCYF should address data and technology needs.....	27
4. The Statewide Working Group should have clearer roles and expectations.	28
5. Case and compliance review requirements should be clarified and streamlined.....	31
6. More counties should participate in the phase-In program, and DCYF should develop resources.	33
7. County agency partnership with families to keep children safely at home should be emphasized.....	34
8. County employee conduct requirements under MAAFPCWDA should be revised.....	36
9. Statutory revisions should be made to clarify ambiguity, resolve conflicts, and account for local practice implications.....	38
10. More training and practice guidance should be developed for judges, attorneys, law enforcement and guardians ad litem.	40
IV. Ongoing Areas for Learning and Discussion	41
Applicability of MAAFPCWDA.....	42
Active efforts considerations and ideas	44
Considerations for noncustodial parents, relatives and siblings	45
Court orders and other legal matters	47
Case reviews and compliance system	49
Engagement with the African American Child and Family Well-being Unit and Advisory Council	50
The African American and Disproportionately Represented Family Preservation Grant Program	51
Funding and other resource needs	52

Cultural competency and other training needs	53
Possible statutory modifications based on practice implications and other considerations.....	54
V. Initial Cost Needs and Considerations for Statewide Implementation	56
Appendix A: Laws 2024, Chapter 117.....	60
Appendix B: Statewide Working Group Project Charter	86
Appendix C: Recommended Bill Language.....	90
Appendix D: Active Efforts	94
Appendix E: Low Socioeconomic Status	96
Appendix F: Race Category & Disaggregation	102

EXECUTIVE SUMMARY

BACKGROUND

The Minnesota African American Family Preservation and Child Welfare Disproportionality Act (MAAFPCWDA) was signed into law in 2024, with an effective date of Jan. 1, 2027. MAAFPCWDA strengthens protections for African American children and children from communities who are disproportionately overrepresented in Minnesota's child welfare system by requiring active efforts to keep families together, prevent foster care placement and reunify children in foster care with their families.

To prepare for statewide implementation on Jan. 1, 2027, the legislature directed the Commissioner of the Minnesota Department of Human Services to establish a phase-in program, where Hennepin and Ramsey Counties would phase in MAAFPCWDA implementation across two years, and a statewide working group (SWG) to provide guidance to the phase-in county agencies. The SWG was also directed to:

- Evaluate phase-in program costs and assess future costs
- Determine initial implementation needs
- Report to the legislature on initial needs and policy or statutory recommendations
- Develop an implementation plan and best practices for statewide implementation.

On July 1, 2024, the Minnesota Department of Children, Youth, and Families (DCYF) was formally established as a new state agency separate from the Minnesota Department of Human Services. Responsibilities related to MAAFPCWDA, including implementation planning and establishment of the SWG, transitioned to DCYF and its commissioner.

OVERVIEW OF THE STATEWIDE WORKING GROUP

Beginning August 2024, DCYF reached out to organizations required by law¹ to be included in the SWG, as well as posted invitations to participate on social media platforms to engage people with lived experience and community. An informational meeting was held in November 2024, with the official kick-off in April 2025. DCYF initially contracted with DeYoung Consulting Services to facilitate the SWG meetings, which transitioned to dedicated DCYF staff upon the contract's end date of June 30, 2025. DeYoung Consulting

¹ Laws 2024, chapter 117, section 21(b)

Services also conducted an [initial evaluation of the phase-in program](#) and a preliminary cost analysis.²

Of the initial 24 individuals invited to participate, 22 members comprised the SWG at the time this report was developed:

- Five represent community practitioners and community members
- Three represent organizational partners
- Seven represent the Minnesota Association of County Social Service Administrators (MACSSA)
- Two represent the Association of Minnesota Counties (AMC)
- Two represent the Minnesota County Attorneys Association (MCAA)
- One represents Ramsey County
- One represents Hennepin County
- One represents the Minnesota Inter-County Association (MICA).

Both the SWG and DCYF continue to make efforts to ensure underrepresented voices are included in the SWG's work, including Tribal representatives, young adults with lived experience as minors in the system, frontline child protection social workers and experts in disabilities and socioeconomic diversity.

SWG members meet twice monthly via Microsoft Teams and use two resources to conduct their work:

- The [MAAFPCWDA HQ Engagement Site](#), which allows the public to access information about the SWG, including meeting information, minutes and progress updates
- A private Microsoft Teams channel for SWG members to use for internal collaboration and resource development.

In addition to ongoing SWG meetings, SWG members self-selected into four action teams, each of which had DCYF subject matter experts assigned to them as internal liaisons:

- Legislative Change Action Team, which focused on reviewing the enacting legislation to determine potential statutory and policy changes necessary to support implementation
- Data Action Team, which concentrated primarily on the legislative mandate to establish a process to enhance data disaggregation for monitoring outcomes

² Available upon request. To request a copy of the initial program evaluation or initial cost analysis, visit [Data Requests](#) on the DCYF website.

- Compliance Review Action Team, which focused on supporting the development, maintenance, and administration of a compliance portal, as well as the creation of a comprehensive compliance review system
- Phase-in Program Action Team, which observed Hennepin and Ramsey Counties' experiences with phased-in program implementation to better understand statewide implementation needs.

The MAAFPCWDA implementation coordinator drafted this report on behalf of the SWG, using meeting minutes and other records of all SWG and action team meetings.

Preliminary recommendations were developed using the following methods:

- A fist-to-five voting method in the full SWG meetings to gauge the level of support for each recommendation
- A Think-Pair-Share writing exercise between July 28 and Aug. 22, 2025, which allowed each member to individually reflect on each section of the enacting legislation, meet with another member to identify overlapping recommendations and submit joint responses to proposed recommendations
- Member review of all submitted recommendations with opportunities to flag areas of disagreement
- Action team discussions.

The MAAFPCWDA implementation coordinator shared a first draft of recommendations with the SWG on Sept. 2, 2025. SWG members provided feedback, edits and additions on the report draft through Sept. 15, 2025. Where there was collective agreement, a preliminary recommendation was approved to move forward. Any perspectives that did not receive group agreement, or that reflected a single member's position, were included as needing further review to ensure transparency and full representation of all voices.

SUMMARY OF PRELIMINARY RECOMMENDATIONS

The following 10 items make up the SWG's preliminary recommendations to support future statewide implementation of MAAFPCWDA.

1. DCYF should provide opportunities for feedback and ensure feedback loops occur.

Requesting feedback on resources such as practice guides and tools, as well as on proposed legislation, will strengthen statewide implementation efforts and better inform future recommendations. Feedback loops ensure transparency and help build trust.

- 2. DCYF should take specific actions to ensure consistent statewide implementation.** This includes clarifying terms and definitions found in MAAFPCWDA as well as developing best practice and policy guidance to support county social services agencies. Additionally, DCYF should develop or modify existing training around topics that support MAAFPCWDA principles, such as safety planning and supervised visitation, and strengthen cultural competency training currently required under MAAFPCWDA. Finally, DCYF should develop a statewide communication and engagement plan to help share information about MAAFPCWDA, including practice strategies and learnings.
- 3. DCYF should address data and technology needs.** Data disaggregation allows better tracking of child welfare outcomes. To better disaggregate data, DCYF should eliminate “two or more races” in tracking and reporting on data and instead categorize multiracial children into each of their specific racial groups. The Social Service Information System (SSIS) should be modernized to support this effort, with SSIS updates made to add templates and data fields to streamline child welfare work. Finally, the compliance and feedback portal required under the enacting legislation should be finalized and made public.
- 4. The Statewide Working Group should have clearer roles and expectations.** This includes amending the SWG membership list in the enacting legislation to ensure DCYF is represented in the SWG. DCYF should also provide clear guidance on the SWG’s role in providing oversight of the Phase-in Program to ensure the SWG can fulfill its legislative mandate. Since part of the SWG’s mandate includes assessing future costs related to implementation, DCYF should complete an additional cost analysis that expands on the limited initial cost assessment completed in June 2025. Finally, the SWG should be required to submit a legislative report outlining its final recommendations by Jan. 1, 2027.
- 5. Case and compliance review requirements should be clarified and streamlined.** To begin, DCYF should clarify the role of the state and the county in supervising and implementing Minnesota’s child welfare system, including who holds oversight authority when compliance concerns arise. DCYF should also develop resources and processes for case reviews required under MAAFPCWDA, especially for county-led case reviews of all eligible MAAFPCWDA cases³ and DCYF-led targeted case reviews involving African American children.⁴ To better ensure consistency in conducting case reviews, the SWG further recommends shifting responsibility for county-led case

³ Minnesota Statutes 260.68, subd. 2

⁴ Minnesota Statutes 260.692, subd. 2

reviews to DCYF instead of requiring each individual county to conduct case reviews. Case reviews should have a safety or collaborative framework embedded within their processes to ensure accountability and continuous learning.

- 6. More counties should participate in the Phase-in Program, and DCYF should develop resources.** Rural counties should consider requesting participation in the Phase-in Program to better support the SWG in developing a comprehensive implementation plan. DCYF should increase its technical assistance to counties participating in the Phase-in Program. Counties not participating in the Phase-in Program should consider informally incorporating MAAFPCWDA principles into their agency practices before statewide MAAFPCWDA implementation. Counties should consider developing county-to-county learning partnerships to learn from one another as they implement MAAFPCWDA. Frontline practitioners implementing MAAFPCWDA, especially those in the Phase-in Program, should have structured opportunities to share their experiences with the SWG.
- 7. County agency partnership with families to keep children safely at home should be emphasized.** This includes recognizing the importance of partnering with families in active efforts to prevent placement and reunify children with their families. Safety planning strategies should also more explicitly incorporate relative and kin supports and use of family treatment centers when applicable.
- 8. County employee conduct requirements under MAAFPCWDA should be revised.** Revisions should shift the focus from assigning blame to emphasizing professional accountability, while embedding principles from the National Association of Social Workers (NASW) Code of Ethics in child protection practice. Outlining potential consequences of misconduct also ensures county agency staff are aware of expectations and can take responsibility for their actions. This approach not only supports practitioners' motivation to change but also strengthens protections for families, as staff are held to a clear code of conduct and professional standards.
- 9. Statutory revisions should be made to clarify ambiguity, resolve conflicts and account for local practice implications.** These revisions are necessary to ensure statewide consistency, account for real-world practice implications and align with the intent of MAAFPCWDA. Such revisions include providing flexibility in agency timelines for identifying and notifying noncustodial parents and relatives of a child's pending removal from their home, and clarifying requirements for emergency removal and termination of parental rights to eliminate potential contradictions and ambiguity.

10. More training and practice guidance for judges, attorneys, law enforcement and guardians ad litem should be developed. In addition to adding guardians ad litem to the list of individuals who should have access to cultural competency training under MAAFPCWDA, training on active efforts for law enforcement and drafting petitions for county attorneys and staff should be developed and made available. Best practice guidance and rulebooks should be developed and updated to ensure MAAFPCWDA protections (such as active efforts to prevent out-of-home placement) are applied and understood by all involved in juvenile court proceedings, including county attorneys, agency staff, judges and parent-child attorneys. Embedding MAAFPCWDA protections throughout legal processes strengthens shared accountability and ensures active efforts requirements are consistently applied across the state.

SUMMARY OF ONGOING AREAS FOR LEARNING AND DISCUSSION

The SWG has identified the following areas as needing additional time to review, learn and discuss before making any potential recommendations:

- **Applicability of MAAFPCWDA**, including current and proposed definitions of disproportionality, low-income socioeconomic status and culture, as well as the requirement that “disproportionately represented child” is based on self-identification
- **Active efforts considerations and ideas** that support the overall concept of making active efforts to prevent placement and reunify children with their families; ideas include requiring Family Group Decision Making before filing removal petitions, developing post-reunification services, allowing alternative options when culturally informed services are not available and providing concrete resources
- **Considerations for noncustodial parents, relatives, and siblings** to support community and extended family tenets of MAAFPCWDA, including a temporary communal guardianship option for children in foster care; supporting meaningful relationships with noncustodial parents, relatives, siblings, and kin through best practice guidance and resource development; strengthening sibling placement requirements; clarifying guidance on visitation modalities; maintaining cultural continuity for children in foster care; and clarifying existing practice requirements related to noncustodial parents and relatives.
- **Court orders and other legal matters**, such as ensuring compliance with right to counsel provisions, addressing termination of parental rights provisions that could

contribute to ongoing disparities and strengthening reestablishment of parental rights provisions

- **Case reviews and compliance system**, including clarifying data requirements and case review tools used for county-led case reviews under MAAFPCWDA and considering the concept of coordinating penalties in a DCYF compliance review system
- **Engagement with the African American Child and Family Well-being Unit and Advisory Council**, noting that the SWG had limited engagement with both and that some ideas currently under consideration, such as developing and implementing an African American Child Well-being Framework, would impact their work; as engagement continues, future recommendations may be made related to the Council's work
- **The African American and Disproportionately Represented Family Preservation Grant Program**, including how statutory language governing the program may be simplified, ways to support Black-led and emerging community organizations in accessing the grant program, ensuring parents are aware of services provided and how feedback may be provided by those receiving grant-funded services. Continued discussion also includes whether federal guidance on federal funding for unlawful discrimination may impact the execution of grants under this grant program
- **Funding and other resource needs**, including extending the one-time funding for the Phase-in Program to ensure all funding is spent prior to the Phase-in Program's expiration date and determining the timeline for completing a cost analysis for statewide MAAFPCWDA implementation
- **Cultural competency and other training needs**, including possible flexibility in training rollout and the timeline for agency staff to complete the training, expansion of training content, evaluation of staff application of training concepts in their practice, co-facilitation of training by community members, tracking and compliance reporting, prioritization of training attendance, and development and expansion of multidisciplinary training
- **Training prioritization**: Members are raising questions about sequencing and priority; one proposal is that the CWTA first prioritize training for social services agency staff and supervisors before opening access to other child welfare partners, such as attorneys, judges and community organizations

- **Possible statutory modifications based on practice implications and other considerations** that may be necessary to account for local practice and clarify potential contradictions in MAAFPCWDA, such as safety plan implementation requirements, initial comfort calls for children placed in foster care, situations when notification of noncustodial parents and relatives may not be feasible right away, and the terms used to ensure connections and relationship are maintained while children are in placement.

SUMMARY OF INITIAL COST NEEDS AND CONSIDERATIONS

As Minnesota moves toward statewide implementation of MAAFPCWDA, significant financial investment will be necessary to ensure fidelity to the legislation, support for families and sustainability of practice across counties. Building on the DeYoung Initial Cost Analysis,⁵ and the discussions within the SWG, the following priority areas of funding have emerged:

- **Supervision and family support** to strengthen family and kinship networks that are central to family preservation; this includes providing compensation or other financial support when extended family members, foster parents, and noncustodial parents provide concrete services and supports and day-to-day care for children, or to prevent disruptions in kinship placements; it also includes investment in technologies to improve relative search and engagement
- **Active efforts in workforce investment and community partnerships** to support manageable caseloads and intensive, culturally responsive practice, including new staff, salary and benefits costs, office equipment and technology, travel reimbursement, contracted services and grants to community-based organizations, and visitation costs
- **Case review infrastructure** If DCYF is required to conduct county-led case reviews, including a dedicated team at DCYF to conduct case reviews and development of case review tools and resources will be needed
- **Compliance review system** costs, which will depend on how DCYF proposes to develop and implement its compliance review system

⁵ Available upon request. To request a copy of the initial cost analysis, visit [Data Requests](#) on the DCYF website.

- **Training and professional development** costs considerations, including trainers, curriculum development, ongoing training cycles and specialized training for external partners
- **Technology modernization (SSIS)** to track the nuanced requirements of MAAFPCWDA, including expanded data categories, safety planning templates and active efforts documentation tools, integration of compliance and case review functions and systemwide upgrades generally
- **Administrative and indirect costs** such as personnel transportation, supplies, office expenses, court filing and documentation management, human resources, accounting, program evaluation support and expanded data collection and reporting systems.

The costs outlined above serve as a baseline for determining both the immediate financial lift and the long-term investment required to make MAAFPCWDA successful statewide. These investments are expected to result in fewer out-of-home placements, greater family stability, and more equitable outcomes over time. Counties, DCYF, legislators and community partners will need to work together to ensure that resources are allocated in ways that reflect both the spirit and the requirements of MAAFPCWDA.

I. BACKGROUND AND ENACTING LEGISLATION

Session Laws 2024, chapter 117, established the Minnesota African American Family Preservation and Child Welfare Disproportionality Act (MAAFPCWDA). It was enacted on May 21, 2024.⁶ The purposes of MAAFPCWDA are to “protect the best interests of... and promote the stability and security of African American and disproportionately represented children and their families by establishing minimum standards to prevent the arbitrary and unnecessary removal of African American and disproportionately represented children from their families; and improve permanency outcomes, including family reunification, for African American and disproportionately represented children.” A copy of MAAFPCWDA from the 2024 legislative session is attached as [Appendix A](#).

Within this legislation, the legislature charged the commissioner of human services with establishing a working group as follows:

Sec. 21. MINNESOTA AFRICAN AMERICAN FAMILY PRESERVATION AND CHILD WELFARE DISPROPORTIONALITY ACT; WORKING GROUP.

- (a) The commissioner of human services must establish a working group to provide guidance and oversight for the Minnesota African American Family Preservation and Child Welfare Disproportionality Act phase-in program.
- (b) The members of the working group must include representatives from the Minnesota Association of County Social Service Administrators, the Association of Minnesota Counties, the Minnesota Inter-County Association, the Minnesota County Attorneys Association, Hennepin County, Ramsey County, the Department of Human Services, and community organizations with experience in child welfare. The legislature may provide recommendations to the commissioner on the selection of the representatives from the community organizations.
- (c) The working group must provide oversight of the phase-in program and evaluate the cost of the phase-in program. The working group must also assess future costs of implementing the Minnesota African American Family Preservation and Child Welfare Disproportionality Act statewide.
- (d) By January 1, 2026, the working group must develop and submit an interim report to the chairs and ranking minority members of the legislative committees with jurisdiction over child welfare detailing initial needs for the implementation of the

⁶ Minnesota Statutes Sec. 260.61 to 260.693, and Laws 2024, chapter 117

Minnesota African American Family Preservation and Child Welfare Disproportionality Act. The interim report must also include recommendations for any statutory or policy changes necessary to implement the act.

(e) By September 1, 2026, the working group must develop an implementation plan and best practices for the Minnesota African American Family Preservation and Child Welfare Disproportionality Act to go into effect statewide.

EFFECTIVE DATE. This section is effective July 1, 2024.⁷

This legislative mandate transferred to the Minnesota Department of Children, Youth, and Families (DCYF) and its commissioner upon the restructuring of the Department of Human Services into three separate state agencies.

Staff from DCYF's Child Safety and Permanency Administration (CSP) drafted this interim report solely in an administrative capacity. The report reflects the work and recommendations of the SWG members before October 2025, based on input from SWG meetings, written exercises, and action team discussions. Ongoing SWG activities will be reflected in the final report. The final report will provide an implementation plan and best practices for MAAFPCWDA, and is due by September 1, 2026, three months before full statewide implementation.

II. OVERVIEW OF THE STATEWIDE WORKING GROUP

According to its legislative mandate, the SWG's purpose is to:

- Provide guidance and oversight for the phase-in program
- Evaluate the cost of the phase-in program
- Assess future costs of implementing MAAFPCWDA statewide
- Submit an interim report to the legislature by Jan. 1, 2026, outlining initial needs, including necessary statutory or policy changes, to implement MAAFPCWDA
- Develop an implementation plan with best practices by Sept. 1, 2026, to support statewide implementation of MAAFPCWDA.

This section provides more details about the development of the SWG, its membership, and how preliminary recommendations were determined. See [Appendix B](#) for the SWG's Project Charter.

⁷ Laws 2024, chapter 117, section 21

CURRENT MEMBERSHIP

The legislature mandated that the SWG be comprised of, at minimum, representatives from the following entities:

- Minnesota Association of County Social Service Administrators (MACSSA)
- Association of Minnesota Counties (AMC)
- Minnesota Inter-County Association (MICA)
- Minnesota County Attorneys Association (MCAA)
- Hennepin County
- Ramsey County
- Department of Human Services
- Community organizations with experience in child welfare.

At the time the SWG completed this report, there were 22 active members of the statewide working group (SWG) as described below.

Community practitioners and community members

- **Kelis Houston**, Village Arms
- **Harvey Linder**, Ph.D., community member, retired practitioner
- **DeClara Tripp**, lived experience and Village Arms
- **Marvalyne Unique Tripp**, lived experience
- **Joanna Woolman**, Keeping Families Connected Minnesota

Organizational partners

- **Tami Baker Olson**, Minnesota State Guardian ad Litem Program
- **Joan Blakey**, School of Social Work, University of Minnesota-Twin Cities
- **Lolita Davis Carter**, Council for Minnesotans of African Heritage

County partners

- **Suzanne Arntson**, Scott County, Minnesota Association of County Social Service Administrators (MACSSA)
- **Karla Bigham**, Washington County, Association of Minnesota Counties (AMC)
- **Angela Conley**, Hennepin County
- **Nicole Curphy**, St. Louis County, Minnesota Association of County Social Service Administrators (MACSSA)
- **Julie Hanson**, Mahnomen County, Minnesota Association of County Social Service Administrators (MACSSA)

- **Patricia Harrelson**, Minnesota Prairie County Alliance, Minnesota Association of County Social Service Administrators (MACSSA)
- **Stacy Hennen**, Western Prairie Human Services, Minnesota Association of County Social Service Administrators (MACSSA)
- **Christos Jensen**, Ramsey County, Minnesota County Attorneys Association (MCAA)
- **Erin Johnson**, Minnesota County Attorneys Association (MCAA)
- **Queeta Kekulah**, Washington County, Minnesota Association of County Social Service Administrators (MACSSA)
- **Joan Lee**, Polk County, Association of Minnesota Counties (AMC)
- **Rena Moran**, Ramsey County
- **Kurt Mortenson**, Otter Tail County, Minnesota Inter-County Association (MICA)
- **Lori Whittier**, Hennepin County, Minnesota Association of County Social Service Administrators (MACSSA)

DESCRIPTION OF MEMBERSHIP PROCESS

Recruitment for the SWG began in August 2024. During this initial phase, DCYF engaged the organizations identified in MAAFPCWDA to ensure the required representation and to invite members from these organizations to commit to the SWG. In addition, to engage community members, organizations and individuals with lived experience, invitations to participate were shared widely on social media platforms, including LinkedIn and Facebook.

Twenty-four individuals from the applicant pool were selected and invited to confirm their commitment to the SWG. As of this report's completion date, there were 22 active members of the SWG.

The SWG recognizes that certain voices are currently underrepresented. These include Tribal representatives, young adults with lived experience as minors in the system, frontline child protection social workers, and experts in disabilities and socioeconomic diversity. Efforts to include these voices continue.

DCYF is currently partnering with subject-matter experts to develop a government-to-government Tribal Engagement Plan. Additionally, a plan to engage young adults with lived experience will be implemented to ensure their meaningful participation, and DCYF is working with experts in disability services to develop an engagement plan for individuals with disabilities and organizations representing this community.

DEVELOPMENT OF STATEWIDE WORK GROUP

The SWG's informational meeting was held on Nov. 7, 2024. The official kickoff meeting was on April 9, 2025. In April and May 2025, the SWG met monthly for two hours. Beginning in June, meetings were extended to bimonthly on the first and third Mondays from 1-3 p.m. via Microsoft Teams.

During the initial development of the SWG, DCYF contracted with DeYoung Consulting Services to provide facilitation until DCYF hired a dedicated project manager and implementation coordinator. DeYoung Consulting Services also conducted an [initial Phase-in Program evaluation](#) and a cost analysis based on the Phase-in Program financial outline.⁸ That contract concluded on June 30, 2025.

The MAAFPCWDA project manager joined in April 2025, and the implementation coordinator followed in mid-May 2025. When DeYoung Consulting Services' contract ended, the implementation coordinator assumed facilitation responsibilities for the SWG.

To support transparency, communication and collaboration, two major systems were established:

- **MAAFPCWDA HQ Engagement Site:** A public-facing site providing access to full SWG meetings, minutes and updates on the SWG's progress and priorities.
- **Microsoft Teams channel for SWG members:** A private collaborative space where SWG members can track contributions, co-develop documents and reports in real-time, and engage with the SWG's work efficiently.

To manage the workload effectively, beginning June 2, 2025, SWG members self-selected into four action teams:

- **Legislative Change Action Team:** Focused on critically analyzing MAAFPCWDA and providing recommendations to improve operationalization and implementation; this action team prepared suggested updates to statute, identified initial implementation needs and made recommendations based on an assessment of intersecting policies to ensure overall feasibility
- **Data Action Team:** Concentrated primarily on Laws 2024, chapter 117, section 16, which charges the commissioner with establishing a process to enhance data disaggregation for monitoring outcomes
- **Compliance Review Action Team:** Focused on Laws 2024, chapter 117, sections 17 and 19, supporting the development, maintenance and administration of a

⁸ Available upon request. To request a copy of the initial program evaluation or initial cost analysis, visit [Data Requests](#) on the DCYF website.

compliance portal, as well as the creation of a comprehensive compliance review system

- **Phase-in Program Action Team:** Observed Hennepin and Ramsey Counties' experiences with program implementation to gather lessons learned, inform the full membership and clarify ambiguous legislative language to support smooth implementation.

To foster collaboration and leverage internal expertise, DCYF subject-matter experts were assigned as internal liaisons to each action team. These liaisons supported the action teams by sharing knowledge, offering feasible solutions informed by internal expertise and maintaining feedback loops between the SWG and internal DCYF staff.

REPORT WRITING PROCESS

All SWG and action team meetings were transcribed using Microsoft Teams. Within each action team, members collectively decided on four roles: chair, timekeeper, peacekeeper and notetaker. The designated note-taker submitted the meeting notes to the implementation coordinator, who finalized them as official minutes. These minutes, along with SWG meeting records, informed the development of the recommendations included in this report.

Decision-making within the SWG meetings used a fist-to-five voting method, designed to gauge the level of support for each recommendation:

- **Fist (0)** – The recommendation is harmful or detrimental and cannot move forward
- **One (1)** – Extreme concerns exist, but the member will still support
- **Two (2)** – Not in support; more conversation is needed before moving forward
- **Three (3)** – Neutral; the recommendation is not harmful and will not hold up decision-making
- **Four (4)** – Supportive; the recommendation is considered a workable solution
- **Five (5)** – Full support of the recommendation.

Given the interim report deadline of Jan. 1, 2026, the implementation coordinator designed a Think-Pair-Share writing exercise to ensure timely input. Members began the exercise on July 28, 2025, and were given until Aug. 22, 2025, to complete their assignments. The implementation coordinator shared a first draft with the SWG on Sept. 2, 2025. SWG members provided feedback, edits and additions on the report draft through Sept. 15, 2025.

This process allowed members to first reflect individually on each section of the legislation, then consult with a partner to identify overlapping recommendations and finally submit joint responses. The implementation coordinator compiled all submissions into a collective document and circulated it to the full SWG membership for review and further input. Members were asked to flag any areas of disagreement.

In action team discussions, members explored at least one or two recommendations from the Think-Pair-Share exercise. However, due to time constraints, most recommendations were developed through the SWG writing exercises and points of collective agreement identified within action teams. Any perspectives that did not receive group agreement, or that reflected a single member's position, were included as needing further review to ensure transparency and full representation of all voices.

III. PRELIMINARY RECOMMENDATIONS

This section outlines the SWG's preliminary recommendations. To be considered a preliminary recommendation, a majority of SWG members must have expressed support.

When possible, recommendations include recommended bill language along with initial needs or actions necessary to implement, such as best practice guides, resources and funding. See [Appendix C](#) for all recommended bill language.

1. DCYF SHOULD PROVIDE OPPORTUNITIES FOR FEEDBACK AND ENSURE FEEDBACK LOOPS OCCUR.

The SWG recommends that DCYF inform the SWG of any proposed DCYF guidance, training, legislative language or decisions related to the other recommendations in this report and give SWG members opportunities to provide feedback.

The SWG further recommends that a consistent and comprehensive feedback loop be established between DCYF, the SWG and other key partners, such as the counties participating in the Phase-in Program and the African American Child and Family Well-Being Advisory Council. Creating this process will strengthen transparency, promote accountability and ensure that the voices of those most connected to families and communities are actively shaping implementation.

SWG members specifically recommend that the SWG and the African American Child and Family Well-Being Advisory Council engage more directly and intentionally to support MAAFPCWDA's collaborative work. Direct engagement between the SWG and the council promotes shared learning, strengthens community partnership and ensures that

implementation is informed by the council's lived experience, expertise and historical perspective.

2. DCYF SHOULD TAKE SPECIFIC ACTIONS TO ENSURE CONSISTENT STATEWIDE IMPLEMENTATION.

It is critical that MAAFPCWDA be implemented consistently across Minnesota. The SWG believes consistency would be supported by:

- Providing additional statutory definitions
- Clarifying terminology
- Developing policy and practice guidance, resources and processes
- Developing, modifying and facilitating training
- Developing communication and engagement plans.

DCYF should clarify terms and definitions.

The SWG recommends DCYF develop legislative language to add the following definitions to Minnesota Statutes 260.63, which specifies definitions used throughout MAAFPCWDA, or cross-reference to existing definitions used elsewhere:

- **Child welfare:** The term “child welfare” is used throughout MAAFPCWDA. It has a variety of definitions and interpretations and is used differently across local agencies responsible for child protection. To ensure consistency in MAAFPCWDA application, DCYF should develop a clear and comprehensive definition of “child welfare” that preserves the spirit of the legislation’s original intent. It should include children the court determines to be in need of protection or services, or neglected and in foster care, under Minnesota Statutes 260C.201, as well as children whose parents’ rights have been terminated and are seeking permanency. It should not include children’s mental health cases or families involved in voluntary programs adjacent to child protection, such as Parent Support Outreach Program or Mothers First programs.
- **Neglect:** MAAFPCWDA does not define the term “neglect,” which could lead to disparate outcomes across the state. Additionally, there is already a statutory definition of “neglect” that could easily be cross-referenced in MAAFPCWDA to

avoid confusion.⁹ Inconsistent practice could result from the lack of clarity about what the term “neglect” means.

- **Disability status and ethnicity:** MAAFPCWDA defines “disproportionately represented child” as:

“a person who is under the age of 18 and who is a member of a community whose race, culture, ethnicity, disability status, or low-income socioeconomic status is disproportionately encountered, engaged, or identified in the child welfare system as compared to the representation in the state's total child population, as determined on an annual basis by the commissioner.”¹⁰

MAAFPCWDA does not define what the terms “ethnicity” and “disability status” mean. Before DCYF can determine whether a child is disproportionately represented in the child welfare system based upon those factors and notify counties annually, the terms must be defined.

DCYF should develop clear policy and practice guidance.

Providing guidance on human-to-human practice will help practitioners begin to shift the culture of how practice is done. Practice guidance provides statewide consistency in expectations and examples of how to apply practice while ensuring alignment with legislative requirements. SWG members therefore recommend that DCYF develop clear policy and practice guidance on:

- **Active efforts:**¹¹ This should include broad yet tangible practice and engagement activities that incorporate, but are not limited to, the outline of active efforts described in [Appendix D](#), including examples of active efforts from nationwide practice.
- **The scope of economic services and supports**, as used in safety planning requirements:¹² A practice guide should broadly define what constitutes “economic services and supports” to support safety planning as required under MAAFPCWDA. In addition, members recommend that DCYF consult with state auditors to ensure flexibility in the provision of concrete supports, such as gift cards and cash.

⁹ Minnesota Statutes 260E.03, subd. 15

¹⁰ Minnesota Statutes 260.63, subd. 10

¹¹ Minnesota Statutes 260.63, subd. 2, and 260.64, subd. 1

¹² Minnesota Statutes 260.64, subd. 2(b)(1)

- **The threshold for emergency removals of children under MAAFPCWDA:** SWG members recommend that DCYF develop a clear threshold for emergency removals that centers the purpose of MAAFPCWDA and does not conflict with federal safety standards; in addition to increasing consistency across the state, establishing this threshold will support informed decision making and help ensure removals of children from their home only occur when truly necessary, reinforcing the priority of preserving families whenever safely possible
- **Visitation requirements** for African American and disproportionately represented children in out-of-home placement: A comprehensive practice guide should provide clear standards for measuring and documenting “regular and frequent visitation.”¹³ It should offer guidance on how and when to determine whether visitation may not be in the best interest of a child’s safety, including clear documentation requirements when safety concerns are raised or visitation denied. This clarity would help all parties understand the circumstances that affected visitation and support the development of a roadmap to strengthen protective factors and work toward restoring visitation when safety has been appropriately minimized. The guide should distinguish genuine safety concerns from other factors that are sometimes misinterpreted as safety issues, such as discomfort, inconvenience or cultural and parenting differences. This guide should incorporate national best practice language regarding substance use and visitation, minimizing the barriers to attachment between children and parents with use that does not impact the ability to parent. The SWG also recommends including the term “guardian” in the list of individuals with whom a child in foster care must have frequent visitation. This ensures greater consistency across the state, as “guardian” and “custodian” may be used interchangeably in practice.
- **Alignment of MAAFPCWDA permanency requirements and timelines with federal law** to ensure there is no negative impact on federal financial reimbursement: The SWG recommends DCYF leadership or policy experts confirm alignment of MAAFPCWDA with the federal Adoption and Safe Families Act (ASFA), including updated best practices and amendments, and Title IV-E permanency timelines to the SWG and/or the state through public announcement. If misalignment is identified, DCYF should pursue financial and compliance alternatives to prevent counties from being financially impacted in ways that could limit their capacity to support families. This approach promotes accountability,

¹³ Minnesota Statutes 260.641

protects vital funding streams and ensures that resources remain available to preserve families and advance child and family well-being.

Members further recommend that DCYF, in partnership with its legal and policy experts, provide best practice guidance on balancing active efforts and MAAFPCWDA requirements with federal permanency requirements when they appear misaligned. Such guidance will ensure families are preserved and supported while agencies maintain compliance with federal requirements.

- **Maintaining detailed county records and documentation of active efforts:** MAAFPCWDA requires county agencies to maintain detailed records and document their active efforts to prevent out-of-home placement as part of an emergency protective care (EPC) petition, and to identify, locate and notify a child's noncustodial parents and relatives before removing a child from their home.¹⁴ Guidance for documentation should balance the needs of MAAFPCWDA and align with the Paperwork Reduction Act.

Guidance on EPC petition requirements should include, but not be limited to, concrete examples of what each section or requirement should contain within an EPC petition. It should also provide templates for writing specific and detailed accounts of both the preventative active efforts made and the circumstances that led to the child's removal from their home. Establishing this guide will promote statewide consistency, strengthen accountability in documentation and ensure that the record reflects the agency's commitment to preserving families whenever safely possible.

Guidance on what constitutes detailed records regarding an agency's active efforts to notify parents and relatives¹⁵ should include, but not be limited to, defined timeframes for initial contact and for subsequent attempts after a specific period of time has passed throughout the life of the case. This approach builds on the strengths of families and communities, provides agencies with clarity and consistency in practice and promotes agency accountability. It also strengthens the priority of preserving families by ensuring all possible connections are explored and supported.

DCYF should develop new training and modify existing training.

¹⁴ Minnesota Statutes 260.65 and Minnesota Statutes 260.66

¹⁵ Minnesota Statutes 260.65 (a)

The SWG noted a few areas where additional and expanded training could support consistent statewide implementation.

- **Active efforts:** SWG members recommend that the Child Welfare Training Academy's (CWTA) current active efforts training include specific practice and engagement strategies that demonstrate what active efforts look like in practice regarding noncustodial parent notification, recruitment of relatives for placement purposes and supporting noncustodial parents in addressing barriers that may prevent their child from being ordered into their care. Expanding training in these areas will strengthen family connections, increase a child's placement stability and ensure consistent application of active efforts statewide.
- **Safety planning:** DCYF should facilitate the development of a safety planning training, whether via the CWTA or through county social services agencies. If county social services agencies are permitted to administer their own internal training, DCYF should provide a standardized practice guide to ensure consistency in practice across the state.
- **Supervised visitation for foster care providers and relatives:** The SWG recommended the development of ongoing statewide training for foster care providers and extended family members on how to provide supervised visits effectively. This training should be tailored to the unique needs and challenges of different groups, including non-relative foster care providers, relative/kin foster care providers, and non-custodial parents who are newly caring for their child. It should also be responsive to the cultural needs of children and families (for example, recognizing that practices such as doing a child's hair can be a meaningful form of parent-child engagement in many Black and Brown families).

To ensure this training is relevant and impactful, DCYF should consult with current and former relative and non-relative foster care providers. Their experiences will help shape a training that meets the needs of diverse caregivers and translates into successful, family-centered supervised visits. The goal of this training should be to help foster care providers understand that supervised visits are not surveillance spaces intended to identify shortcomings, but supportive spaces to coach, uplift, and strengthen family connections. Foster care providers can play a vital role in building community for families outside social service agencies, increasing agencies' capacity to provide active efforts, and ensuring visits are safe, supportive, and meaningful.

DCYF should strengthen cultural competency training.

Several recommended actions pertain to MAAFPCWDA cultural competency training requirements.¹⁶

- **Ongoing training in addition to foundational training should be required in partnership with the department and responsible agencies statewide.** The SWG members recommend that cultural competency training not be limited to a one-time foundational course but instead be provided on an ongoing basis. While foundational training should remain accessible and consistently available, additional ongoing training must also be offered and required to build upon that foundation. Cultural competency and, more importantly, cultural humility are best developed as part of a continual journey rather than being a fixed destination. Counties must commit to ongoing learning to effectively serve families and communities. As disparities are addressed for some populations, new populations may emerge as disproportionately overrepresented. Ongoing training ensures that county agency staff remain responsive, informed and equipped to engage with evolving cultural contexts, ultimately strengthening family preservation and reducing disproportionality in alignment with MAAFPCWDA's intent.
- **Ensure CWTA trainers delivering cultural competency training are prepared to address each demographic identified in MAAFPCWDA.** In addition, trainers must be able to clearly educate participants on the intersectionality of these demographics and provide guidance on inclusive practice that recognizes the unique needs of each family (e.g., an African American child with disabilities). This approach ensures that agencies deepen their awareness of the nuanced realities families experience and avoid perpetuating a single story that can result in incomplete or harmful stereotypes.¹⁷ Equipping trainers to speak to intersectionality strengthens family engagement, helps practitioners connect families with the right resources and supports, and promotes culturally informed safety practices. Ultimately, this fosters family preservation and reduces risks by ensuring practice is grounded in cultural responsiveness.
- **Provide concrete practice strategies and tools.** SWG members recommend that the CWTA ensure both the training curriculum and each trainer are equipped to translate philosophy into concrete practice strategies and tools. Training must go beyond theory by equipping participants with tangible methods to practice and engage in cultural humility within their daily service. Awareness of cultural differences alone is not enough to reduce disparities. County agency workers must

¹⁶ Minnesota Statutes 260.69

¹⁷ See, for example, Chimamanda Ngozi Adichie's TED Talk, [The Danger of a Single Story](#)

know how to apply the knowledge they gain in real time while serving families. Providing actionable strategies ensures that cultural humility is embedded in practice, strengthens family engagement and advances equitable outcomes.

DCYF should develop a statewide communication and engagement plan.

SWG members recommend that DCYF, in partnership with the SWG, counties and community councils such as the African American Child and Family Well-Being Advisory Council, develop a statewide internal and external communication and engagement plan. This plan should highlight positive outcomes for families, showcase effective and innovative initiatives, and share practices and strategies that are successfully being implemented to address disparities across counties, encouraging broader adoption.

A statewide communication and engagement plan will foster shared learning, transparency and collaboration across counties. By elevating and spreading transformative practices, the system can build on local successes, support continuous improvement and inspire collective momentum toward better outcomes for children and families.

Recommended bill language

Amend Minnesota Statutes 260.64, subd. 2 to read:

Subd. 2. **Safety plan.** (a) Prior to petitioning the court to remove an African American or a disproportionately represented child from the child's home under section [260.66](#), a responsible social services agency must work with the child's family to allow the child to remain in the child's home while implementing a safety plan based on the family's needs. The responsible social services agency must:

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

(2) assess the family's cultural and economic needs and, if applicable, needs and services related to the child's disability;

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

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

(b) The safety plan must:

(1) address the specific allegations impacting the child's safety in the home. If neglect is alleged under section 260E.03, subdivision 15, the safety plan must incorporate economic services and supports for the child and the child's family, if eligible, to address the family's specific needs and prevent neglect;

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

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

(c) The responsible social services agency is not required to establish a safety plan:

(1) in a case with allegations of sexual abuse or egregious harm;

(2) when the parent is not willing to follow a safety plan;

(3) when the parent has abandoned the child or is unavailable to follow a safety plan; or

(4) when the parent has chronic substance use disorder issues and is unable to parent the child.

Amend Minnesota Statutes 260.641 to read:

A responsible social services agency must engage in best practices related to visitation when an African American or a disproportionately represented child is in out-of-home placement. When the child is in out-of-home placement, the responsible social services agency shall make active efforts to facilitate regular and frequent visitation between the child and the child's parents or custodians, the child's siblings, and the child's relatives. If visitation is infrequent between the child and the child's parents, custodians, guardians, siblings, or relatives, the responsible social services agency shall make active efforts to increase the frequency of visitation and address any barriers to visitation.

3. DCYF SHOULD ADDRESS DATA AND TECHNOLOGY NEEDS.

To determine which communities are overrepresented in Minnesota's child welfare system for purposes of applying MAAFPCWDA protections to children from those communities, obtaining accurate and comprehensive data is critical, as is a method to disaggregate data once collected.

DCYF should remove the category of “two or more races” from data tracking and reporting to support data disaggregation.¹⁸ Instead, members support DCYF’s recommendation to categorize multiracial children into each of their specific racial groups (see [Appendix F](#)). This approach will provide DCYF, county agencies, legislators, community partners and community members with a clearer understanding of child welfare outcomes, enabling more informed strategies to address the unique needs of families. Additionally, this categorization will be critical in determining who falls under the scope of “disproportionately represented child” as defined in Minnesota Statutes 260.63, subd. 10, ensuring that all children eligible under MAAFCWDA are accurately identified and able to access its supports.

SSIS should undergo modernization to strengthen data disaggregation¹⁹ and tracking. Updates should include, but not be limited to, safety planning templates, a review and update of current race categories to ensure inclusion, and the addition of fields for disability, ethnicity and socioeconomic status. Without these foundational updates to SSIS, data tracking will remain extremely challenging, forcing county agencies to rely on manual processes. This increases the risk of inconsistencies across the state, creates unintended compliance issues and may negatively impact families’ ability to access MAAFCWDA benefits fully.

DCYF should finalize the compliance and feedback portal²⁰ and, before making it public, present the official process and portal to the SWG. This would allow the SWG to review and provide feedback before the portal is released to the public. DCYF already has a constituency service that the MAAFCWDA portal can model, which should reduce time and resources required, as the infrastructure is already in place. Engaging the SWG at the final stage of the compliance and feedback portal ensures transparency, strengthens collaboration and allows time to enhance clarity, effectiveness and usability.

4. THE STATEWIDE WORKING GROUP SHOULD HAVE CLEARER ROLES AND EXPECTATIONS.

Considering the scope of the SWG’s legislative mandate, the SWG members have a few recommendations related to the SWG itself.

Legislation outlining SWG membership requirements should be amended to reflect DCYF and not the Department of Human Services. Currently, the enacting legislation for

¹⁸ Laws 2024, chapter 117, section 16

¹⁹ Laws 2024, chapter 117, section 16

²⁰ Laws 2024, chapter 117, section 17

the SWG²¹ references “the Department of Human Services” rather than “the Department of Children, Youth, and Families” in listing SWG membership requirements. The SWG recommends updating this membership list to reflect the new agency’s name following its 2024 split from the Minnesota Department of Human Services.

DCYF should provide clear guidance on expectations for the SWG in providing oversight of the Phase-in Program. SWG members recommend that, in consultation with the authors of MAAFPCWDA, DCYF develop clear guidance on the expectations for the SWG regarding its legislative mandate to “provide oversight of the phase-in program.”²² This clarification should account for the delayed start of the SWG on April 9, 2025, relative to the Phase-in Program start on Jan. 1, 2025.

Providing clear expectations ensures the SWG can fulfill its legislative oversight responsibilities while maintaining flexibility to accommodate changes in implementation timing. This promotes alignment, accountability and effective engagement with the Phase-in Program counties.

DCYF should complete an additional cost analysis to support the SWG’s work. Due to the limited initial assessment of the cost of the Phase-in Program as outlined in the DeYoung Initial Cost Analysis Report,²³ SWG members recommend that DYCF complete an additional cost analysis to support the SWG’s legislative mandate to evaluate the cost of the Phase-in Program and assess future costs of MAAFPCWDA implementation statewide.

Completing a comprehensive financial analysis after the initial funding period provides a clearer understanding of the true costs of implementation. This includes resources, staffing, technology, case review processes and other potential needs. Such data will help inform the SWG and other counties of anticipated costs and necessary supports, supporting more effective statewide rollout planning.

The SWG should provide a legislative report containing final recommendations. Due to the delayed start of the SWG, members recommend that, in addition to developing an implementation plan, they be permitted to provide a final recommendations report to the legislature. The final report will provide an opportunity to address any missed considerations related to the Phase-in Program, MAAFPCWDA itself and other key knowledge areas, given the limited four-month timeframe the SWG had to draft its interim

²¹ Laws 2025, chapter 117, section 21

²² Laws 2024, chapter 117, section 21 (c)

²³ Available upon request. To request a copy of the initial cost analysis, visit [Data Requests](#) on the DCYF website.

report. This additional time ensures that the SWG can support the work meaningfully, accurately and effectively. Members propose that this report be submitted by Jan. 1, 2027.

Recommended bill language

Amend Laws 2024, chapter 117, section 21, to read:

Sec. 21. MINNESOTA AFRICAN AMERICAN FAMILY PRESERVATION AND CHILD WELFARE DISPROPORTIONALITY ACT; WORKING GROUP.

(a) The commissioner of human services must establish a working group to provide guidance and oversight for the Minnesota African American Family Preservation and Child Welfare Disproportionality Act phase-in program.

(b) The members of the working group must include representatives from the Minnesota Association of County Social Service Administrators, the Association of Minnesota Counties, the Minnesota Inter-County Association, the Minnesota County Attorneys Association, Hennepin County, Ramsey County, the Department of Human Services Children, Youth, and Families, and community organizations with experience in child welfare. The legislature may provide recommendations to the commissioner on the selection of the representatives from the community organizations.

(c) The working group must provide oversight of the phase-in program and evaluate the cost of the phase-in program. The working group must also assess future costs of implementing the Minnesota African American Family Preservation and Child Welfare Disproportionality Act statewide.

(d) By January 1, 2026, the working group must develop and submit an interim report to the chairs and ranking minority members of the legislative committees with jurisdiction over child welfare detailing initial needs for the implementation of the Minnesota African American Family Preservation and Child Welfare Disproportionality Act. The interim report must also include recommendations for any statutory or policy changes necessary to implement the act.

(e) By September 1, 2026, the working group must develop an implementation plan and best practices for the Minnesota African American Family Preservation and Child Welfare Disproportionality Act to go into effect statewide.

EFFECTIVE DATE. This section is effective July 1, 2024.

5. CASE AND COMPLIANCE REVIEW REQUIREMENTS SHOULD BE CLARIFIED AND STREAMLINED.

There are several case and compliance review requirements throughout MAAFPCWDA, including targeted case reviews completed by DCYF's African American Child and Family Well-being Unit,²⁴ county-led case reviews of all MAAFPCWDA-eligible cases²⁵ and individualized case reviews based on reports of noncompliance and complaints.²⁶ DCYF is also required to submit a legislative report outlining a proposed system to review county agency compliance with MAAFPCWDA.²⁷

DCYF should clarify the role of the state and the county in Minnesota's child welfare system. The SWG is actively engaging in both direct and indirect discussions regarding the meaning of "state supervised, county administered" as it relates to Minnesota's child welfare system, and who holds oversight authority to support accountability and enforce MAAFPCWDA when compliance concerns arise. Members recommend that DCYF, specifically leadership, policy and legal experts, provide a presentation addressing this topic to the SWG, community councils, and counties. Such a presentation would clarify roles, responsibilities and mechanisms for navigating accountability and compliance, ensuring all partners have a shared understanding of oversight processes.

DCYF should develop resources and processes for case reviews currently required under MAAFPCWDA. In particular, the SWG recommends DCYF provide clarification and guidance around two of the case review processes that require county agencies to provide data and information, as follows.

- **County-led case reviews of all MAAFPCWDA-eligible cases:**²⁸ The SWG recommends that DCYF develop a comprehensive case review tool, a standardized review process, a clear remediation plan process and best practice guidance to help counties prepare for and understand what county-level case reviews under MAAFPCWDA will entail. Members further recommend that MAAFPCWDA county-level case reviews balance qualitative and quantitative data to provide a fuller, more accurate picture of families involved in the child welfare system, local child welfare practice and child welfare outcomes.

²⁴ Minnesota Statutes 260.692, subd. 2

²⁵ Minnesota Statutes 260.68, subd. 2

²⁶ Laws 2024, chapter 117, section 17; Minnesota Statutes 260.692, subd. 1 (4)

²⁷ Laws 2024, chapter 117, section 19

²⁸ Minnesota Statutes 260.68, subd. 2

Developing these tools and processes will ensure statewide consistency and clarify expectations for counties, as each county agency is required under MAAFPCWDA to conduct its own reviews of all MAAFPCWDA-eligible cases. A balanced approach to data collection will not only strengthen accountability but also create space to center family experiences, highlight system strengths, and identify growth opportunities. This positions DCYF to lead with transparency, promote equitable practices and foster meaningful improvements in child welfare.

Separately, the SWG recommends that DCYF should be responsible for conducting county-level case reviews (see below).

- **DCYF-led targeted case reviews involving African American children in the child welfare system:**²⁹ SWG members recommend that DCYF's African American Child and Family Well-being Unit share with county agencies how it is defining "targeted child welfare outcomes" for purposes of conducting targeted case reviews under MAAFPCWDA. In addition, DCYF should develop a best-practice guide to inform county agencies of the data required to prepare for these case reviews. Lastly, members recommend that DCYF and partners ensure that SSIS can produce the necessary data and reports for counties and Tribes.

Responsibility for conducting county-level case reviews should shift to DCYF. In addition to recommending that DCYF develop resources and processes for county-level case reviews, SWG members recommend that the responsibilities outlined in Minnesota Statutes 260.68, subd. 2(a), be shifted to DCYF, making the department responsible for conducting statewide county-level case reviews. Shifting case review responsibilities to DCYF creates consistency across the state and ensures reviews are conducted with the expertise, neutrality and capacity required for meaningful oversight.

The SWG does not have proposed legislation to consider at this time that would shift the county-level case reviews to DCYF. SWG members recommend the following be taken into consideration when drafting legislation and implementing case reviews:

- DCYF, in partnership with its data expert team, should identify a scientifically valid and statistically reliable number of case reviews that must be completed to equitably reveal outcomes and trends in child welfare as they relate to MAAFPCWDA. Once established, this number should replace the current legislative language that requires review of all child welfare cases. This change acknowledges DCYF's realistic capacity to conduct comprehensive, thorough and consistent case

²⁹ Minnesota Statutes 260.692, subd. 2

reviews. A statistically sound sample size will more accurately reflect child welfare practice, increase the ability to identify negative trends and outcomes, and strengthen system accountability by ensuring findings are both manageable and meaningful.

- County-level case reviews should be modeled after (but not be limited to) the structure and rigor of the federal [Child and Family Services Reviews \(CFSR\)](#).

A safety or collaborative framework should be central to and embedded within case and compliance review processes to ensure accountability and continuous learning.

SWG members are interested in learning from various safety and accountability organizations how their framework may best address racial disproportionality from a safety science lens and how it could align with the goals and implementation of MAAFPCWDA. Embedding a framework such as Collaborative Safety, Safe Generations and others strengthens the process by promoting a culture of learning and accountability rather than blame, ultimately leading to improved practice, safer outcomes for children and stronger family preservation efforts. It is also believed that a safety framework will increase practitioner engagement in accountability and transformation when compliance centers on responsibility and growth, rather than shame. Therefore, families are more likely to receive services that best align with MAAFPCWDA.

6. MORE COUNTIES SHOULD PARTICIPATE IN THE PHASE-IN PROGRAM, AND DCYF SHOULD DEVELOP RESOURCES.

Currently, the MAAFPCWDA Phase-in Program includes Hennepin and Ramsey Counties.³⁰ The law also allows other counties to participate in the Phase-in Program upon commissioner approval. This phased approach allows county agencies to gradually implement MAAFPCWDA practice requirements while engaging in structured learning. The SWG has several recommendations related to the Phase-in Program.

Additional county agencies should consider requesting participation in the Phase-In Program beginning Jan. 1, 2026, with an emphasis on rural counties. Having more counties involved in the Phase-in Program would enable DCYF, the SWG, legislators and community partners to better understand the unique needs of families and counties across different contexts. It would better support the SWG in developing a comprehensive

³⁰ Laws 2024, chapter 117, section 20

implementation plan that considers urban, suburban, rural and frontier areas,³¹ ensuring consistency in how families experience MAAFPCWDA statewide.

DCYF should increase technical assistance capacity to support more counties engaging with the Phase-in Program. Enhanced technical support will ensure counties receive meaningful, effective guidance and leadership, promoting consistent application of MAAFPCWDA principles. This approach centers learning and strengthens the system's ability to provide the best care for families.

Non-phase-in counties should consider informally incorporating MAAFPCWDA principles into their agency practices before statewide implementation. Early incorporation of MAAFPCWDA principles allows counties to enhance family preservation practices, reduce trauma for families and learn without the pressure of statewide legislation being in effect. Finally, statewide implementation may reduce anxiety and increase agency staff buy-in if they can gradually change their practice, rather than waiting for full statewide implementation of MAAFPCWDA in January 2027.

County-to-county learning partnerships should occur. SWG members recommend that counties connect as journey partners to learn from one another and share successes and challenges. Current Phase-in Program counties (Hennepin and Ramsey) have expressed how helpful it has been to journey together as they learn to best implement MAAFPCWDA. They encouraged other counties to build a similar peer-to-peer implementation community.

Frontline practitioners implementing MAAFPCWDA as part of the Phase-in Program should have structured opportunities to share their experiences with the SWG. This should include feedback on successes, challenges and needs to ensure effective implementation and sustainable practice. Including the perspectives of those actively engaging with families ensures the SWG understands the tools, knowledge and supports necessary for meaningful service. Supporting frontline staff strengthens retention, which in turn is a protective factor for family preservation. Greater practitioner representation complements existing Phase-in Program reports and enhances implementation insights.

7. COUNTY AGENCY PARTNERSHIP WITH FAMILIES TO KEEP CHILDREN SAFELY AT HOME SHOULD BE EMPHASIZED.

³¹ For more information on frontier areas, see "[Rural or frontier areas](#)" on the Minnesota Department of Human Services website.

The SWG recommends strengthening language throughout MAAFPCWDA to center the collaboration between local child welfare agencies and families to identify solutions that address safety and minimize risk.

Active efforts language should specify partnering with families. The SWG recommends including family partnership language within the overall duty of the local child welfare agency to make active efforts to prevent out-of-home placement and promote family reunification.³²

Safety planning requirements should emphasize family preservation and relative and kin supports. The SWG recommends adding two additional strategies to existing safety planning requirements under Minnesota Statutes 260.64, subd. 2, to prevent children from being removed from their homes:

- Assessing relatives and kin to determine their capacity to temporarily move into a child's home to support child safety
- Prioritizing family treatment centers for parents navigating substance misuse or abuse when doing so is in their child's best interests.

Both strategies provide additional opportunities to keep children safely in their homes and with their parents or guardians while reducing the risk of trauma of separation through removal they might otherwise experience.

Recommended bill language

Amend Minnesota Statutes 260.64, subd. 1 to read:

Subdivision 1. **Active efforts.** A responsible social services agency shall make active efforts to prevent the out-of-home placement of an African American or a disproportionately represented child, partner with the family to eliminate the need for a child's removal from the child's home, and reunify an African American or a disproportionately represented child with the child's family as soon as practicable.

Amend Minnesota Statutes 260.64, subd. 2 to read:

Subd. 2. **Safety plan.** (a) Prior to petitioning the court to remove an African American or a disproportionately represented child from the child's home under section 260.66, a responsible social services agency must work with the child's family to

³² Minnesota Statutes 260.64, subd. 1

allow the child to remain in the child's home while implementing a safety plan based on the family's needs. The responsible social services agency must:

- (1) make active efforts to engage the child's parent or custodian and the child, when appropriate;
- (2) assess the family's cultural and economic needs and, if applicable, needs and services related to the child's disability;
- (3) hold a family group consultation meeting and connect the family with supports to establish a safety network for the family; and
- (4) provide support, guidance, and input to assist the family and the family's safety network with developing the safety plan.

(b) The safety plan must:

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

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

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

(4) assess the possibility and capacity of a kin or relative member temporarily moving into the home with the family to support child safety when child protective services are involved; and

(5) prioritize the use of family treatment centers for parents navigating substance misuse or abuse when it is in the best interest of the child.

8. COUNTY EMPLOYEE CONDUCT REQUIREMENTS UNDER MAAFPCWDA SHOULD BE REVISED.

The SWG recommends significant revisions to the requirements outlined in Minnesota Statutes 260.68, subd. 1, which governs county agency staff conduct for all MAAFPCWDA-eligible child welfare cases.

County employee conduct should focus on professional accountability rather than blame. The SWG recommends revisions to employee conduct statutory requirements under MAAFPCWDA that shift the focus away from assigning blame to the county agency and instead emphasize professional accountability within the system. Such revisions should reinforce the National Association of Social Workers (NASW) Code of Ethics as the foundation for consistently embedding social work practice, including when child protection staff are not social workers. Outlining potential consequences of misconduct also ensures county agency staff are aware of expectations and can take responsibility for their actions. From both a change management and safety framework, this approach fosters clarity, consistency and shared responsibility that in turn increases practitioner motivation to change. Most importantly, it strengthens protections for families by ensuring that those serving them adhere to a clear code of conduct and professional standards.

Recommended bill language

Amend Minnesota Statutes 260.68, subd. 1 to read:

Subdivision 1. Responsible social services agency guiding principles and conduct. (a) In recognition of the historical and current disproportionate and harmful impacts of child welfare practices on families, especially families of color, the responsible social services agency is committed to ensuring that all casework is conducted with integrity, transparency, and respect for the dignity of children and families.

(b) A responsible social services agency employee Employees with who has duties related to child protection shall demonstrate integrity, accuracy, and transparency in their work, grounded in the core values of the social work profession, by not knowingly:

(1) make untrue providing truthful statements based on the best available information in about any case involving a child alleged to be in need of protection or services, upholding integrity and competence in all communications;

(2) intentionally withhold any ensuring that all material information that may be material relevant to a case is shared in a timely and complete manner, reflecting a commitment to service and social justice by promoting fairness, accountability, and equity in decision-making involving a child alleged to be in need of protection or services; or and

(3) fabricate or falsify any creating and maintaining documentation or and evidence that is accurate, complete, and reflective of the facts of the case, honoring the dignity and worth of the person and recognizing the importance of human relationships in supporting children and families relating to a case involving a child alleged to be in need of protection or services.

~~(b) Any of the actions listed in paragraph (a) shall constitute grounds for adverse employment action. (c) Each county agency is responsible for ensuring that child protection practices align with the principles and requirements of MAAFPCWDA. When practices are identified that are inconsistent with these standards, the county will address them in accordance with its established human resources policies and procedures.~~

~~(d) As public employees, individuals engaging in conduct that violates these standards may also be subject to penalties under Section 609.43 Misconduct of Public Officer or Employee, which provides that if any of the following is done, for which no other sentence is specifically provided by law, the individual may be sentenced to imprisonment for not more than 364 days, or to payment of a fine of not more than \$3,000, or both:~~

~~(1) intentionally failing or refusing to perform a known mandatory, nondiscretionary, ministerial duty of the office or employment within the time or in the manner required by law;~~

~~(2) in the capacity of such officer or employee, doing an act knowing it is in excess of lawful authority or knowing it is forbidden by law to be done in that capacity; under pretense or color of official authority, intentionally and unlawfully injuring another in the other's person, property, or rights; or~~

~~(3) in the capacity of such officer or employee, making a return, certificate, official report, or other like document knowing it is false in any material respect.~~

9. STATUTORY REVISIONS SHOULD BE MADE TO CLARIFY AMBIGUITY, RESOLVE CONFLICTS, AND ACCOUNT FOR LOCAL PRACTICE IMPLICATIONS.

The SWG recommends statutory changes across MAAFPCWDA that account for nuanced practice considerations. Such changes retain alignment with the intent of MAAFPCWDA while accounting for real-world practice implications and promoting consistency across the state in MAAFPCWDA implementation.

Agency timeline requirements for identifying and locating noncustodial parents and relatives to notify them of a child's removal should allow for some flexibility.

Currently, county social services agencies are required to make active efforts to identify and locate a child's noncustodial parent and relatives prior to the child's removal from the child's home so the agency can notify them of the child's removal. This is not always possible, such as when a law enforcement officer places a child on an emergency hold without county agency involvement. SWG members recommend modifying statutory

requirements to allow agencies to make active efforts to identify, locate and notify noncustodial parents and relatives of a child's removal prior to the removal or as soon as possible thereafter.

Statutory requirements governing emergency removal and termination of parental rights under MAAFPCWDA should be revised. SWG members expressed confusion and identified ambiguity and, in some cases, contradictions in these areas under MAAFPCWDA.³³

- **Emergency removals:** SWG members noted the excessive repetition of language (such as "imminent physical damage and harm") in Minnesota Statutes 260.66, which governs emergency removals under MAAFPCWDA. They highlighted the need for greater precision in hearing requirements, especially regarding authority and criteria for determining when new information warrants a new hearing.³⁴ Finally, SWG members recommend that the principle of family preservation be explicitly embedded in emergency removal requirements to ensure consistency with MAAFPCWDA's goals.
- **Termination of parental rights (TPR):** MAAFPCWDA states that the court cannot terminate parental rights under MAAFPCWDA based solely on a parent's failure to complete their case plan.³⁵ It also prohibits TPRs unless allegations fall within the scope of sexual abuse, egregious harm or other serious criminal acts. At the same time, there are exceptions to these prohibitions,³⁶ one of which³⁷ appears to conflict with the prohibition against ordering a TPR based solely on failure to complete a case plan. The TPR exceptions provided under MAAFPCWDA lack comprehensive and measurable guidance. Families, agencies and courts need clear, measurable criteria for what warrants a TPR. This could include clearer legislative language specifying that case plan noncompliance, when paired with an additional concern that provides supporting evidence, may justify a TPR while remaining aligned with MAAFPCWDA. The purpose of this revision is not to change the intent of this section, but to enhance it with clarity and consistency.

Providing clarification in these two areas will reduce ambiguity and redundancies, promote clear and consistent practice, and help families, agencies and courts understand expectations and outcomes. The SWG anticipates that clarifying emergency removal

³³ Minnesota Statutes 260.66 and Minnesota Statutes 260.67

³⁴ Minnesota Statutes 260.66, subd. 3(b)

³⁵ Minnesota Statutes 260.67, subd. 2

³⁶ Minnesota Statutes 260.67, subd. 3

³⁷ Minnesota Statutes 260.67, subd. 3(a)(3)

processes will reduce unnecessary removals, lower costs associated with out-of-home placements, and potentially redirect resources toward prevention, while advancing family well-being and reducing trauma for both children and their parents when children are removed from their homes. Without clarification of termination-of-parental-rights requirements, statewide practice will lack consistency, agencies may face unintentional compliance issues with MAAFPCWDA and federal requirements, and, most importantly, families will not have a clear path toward preservation, stability and reunification.

The SWG does not have recommendations for specific legislative changes that will address these concerns. Instead, SWG members recommend that they and DCYF engage with the authors of MAAFPCWDA to better understand the intent of this section. New legislative language should then be developed in partnership with the authors, DCYF and the SWG to improve precision and alignment with legislative intent.

Recommended bill language

Amend Minnesota Statutes 260.65 to read:

(a) Prior to the removal of, or as soon as possible thereafter, an African American or a 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, paragraph (b). The responsible social services agency must maintain detailed records of the agency's efforts to notify parents and relatives under this section.

10. MORE TRAINING AND PRACTICE GUIDANCE SHOULD BE DEVELOPED FOR JUDGES, ATTORNEYS, LAW ENFORCEMENT AND GUARDIANS AD LITEM.

The SWG recommends that additional training and practice guidance be developed for judges, attorneys, law enforcement and guardians ad litem.

Guardians ad litem should be explicitly included in the list of individuals who should have access to cultural competency training under MAAFPCWDA.³⁸ This inclusion ensures that all parties engaging with the courts on behalf of families in the child protection

³⁸ Minnesota Statutes 260.69

system receive cultural competency training. This alignment supports MAAFPCWDA's intent by strengthening family preservation, reducing disproportionality and ensuring that advocacy and decision-making reflect cultural responsiveness and equity.

Practice guides and rulebooks should include an active efforts mandate. SWG members recommend that, in partnership with attorneys and judges, practice rulebooks and best-practice guides include a mandate requiring active efforts to be demonstrated before authorizing any removal requested by the county social services agency. Embedding this expectation in legal practice will strengthen accountability, ensure family preservation remains the priority, and create consistency in upholding the intent of active efforts across the state.

DCYF and law enforcement should partner to provide ongoing active efforts training tailored to their practice. This training will expand opportunities for children to safely remain in their homes, preventing unnecessary removals and trauma; strengthen collaboration across systems; and foster a community of support for families. Embedding active efforts as an expectation into law enforcement practice promotes shared accountability and reinforces the priority of family preservation.

Targeted training and best practice guides for drafting petitions should be developed. These resources will support county attorneys and staff in drafting petitions that align with MAAFPCWDA and assist parent-child attorneys in understanding and applying its intended protections. Providing this training and guidance will strengthen documentation of active efforts by both county attorneys and staff and equip parent-child attorneys with the tools needed to fully advocate for their clients. This will help ensure families receive the supports envisioned under MAAFPCWDA, promote accountability within the legal process, and foster statewide consistency.

Recommended bill language

Amend Minnesota Statutes 260.69, subd. 1 to read:

Subdivision 1. **Applicability.** The commissioner of children, youth, and families must collaborate with the Children's Justice Initiative to ensure that cultural competency training is given to individuals working in the child welfare system, including child welfare workers and supervisors. Training must also be made available to attorneys, guardians ad litem, juvenile court judges, and family law judges.

IV. ONGOING AREAS FOR LEARNING AND DISCUSSION

Due to the delayed launch of the SWG and the short timeframe to complete the interim report, the SWG continues to review, analyze and discuss planning and implementation needs to support statewide implementation on Jan. 1, 2027. Several of the preliminary recommendations outlined in the previous section require ongoing learning and discussion. This section identifies additional areas requiring further learning and discussion before the SWG can make recommendations. While these areas do not yet have a majority vote to establish an official recommendation, they remain priorities for inclusion in both the implementation plan report and the SWG's proposed final report.

The SWG is committed to continuing to partner with DCYF and the Phase-in Program counties, and expanding engagement with the community through councils such as the African American Child and Family Well-Being Advisory Council to help shape and strengthen future statewide MAAFPCWDA implementation.

APPLICABILITY OF MAAFPCWDA

SWG members continue to consider the applicability of MAAFPCWDA, both overall and as part of the Phase-in Program. Members are strongly engaged in the work that DCYF is leading to develop and clarify definitions, which in turn will impact how DCYF disaggregates data.³⁹

- **Disproportionality:** Some SWG members are concerned that the current definition of disproportionality,⁴⁰ including efforts to clarify “disproportionately represented child” may cause adverse impacts to tracking and consistency in practice. Other SWG members consider the current definition sufficient. The SWG continues to explore possible solutions.
- **Low-income socioeconomic status:**⁴¹ Most members express support for DCYF’s proposed definition of “low-income socioeconomic status” for the purpose of establishing where disproportionality may exist ([Appendix E](#)). Under the DCYF-proposed definition, three tiers would fall under the scope of low-income socioeconomic status, based on the Federal Poverty Threshold (less than 100%, 100-199% and 200-299% of the Federal Poverty Threshold). Families 300% and above the Federal Poverty Threshold would not fall under the scope of low-income socioeconomic status. However, the SWG members would like to review the final draft of the proposal before finalization.

³⁹ Laws 2024, chapter 117, section 16

⁴⁰ Minnesota Statutes 260.63, subd. 9

⁴¹ Minnesota Statutes 260.63, subd. 10

- **Culture:**⁴² The SWG members have been engaged in significant conversations regarding the broadness of the term “culture” and its impact on the work. Members plan to connect with one or more MAAFPCWDA authors to clarify the intended definition. Following this learning, members are considering whether it makes sense to partner with DCYF to develop a formal definition. Some members emphasized the importance of prioritizing engagement with subject matter experts to ensure accuracy, consistency and alignment in how culture is defined.
- **Requirement to self-identify:** Because the definition of “disproportionately represented child” requires a child to self-identify their race, culture and ethnicity (or the parent to identify on behalf of their child), it is unclear how cases should be handled when individuals do not self-identify.⁴³ Members have emphasized that agency workers should not guess or assume a person’s identity, regardless of how confident they are. Most members acknowledge that self-identification is empowering and that families should retain autonomy in this process. However, some SWG members are exploring nuances in practice that could limit families’ ability to benefit from MAAFPCWDA and the potential implications for agency compliance.

Phased approach for statewide implementation

The SWG has been reviewing the Phase-in Program’s implementation to date, in anticipation of developing this interim report and the upcoming implementation plan. As SWG members have been prioritizing the development of this interim report, they have not yet had the time or space to engage in meaningful dialogue about the [DeYoung Phase-in Program Evaluation](#).⁴⁴ Moving forward, **reviewing and discussing the [DeYoung Phase-in Program Evaluation](#)** will be a priority to inform the development of an effective implementation plan.

One item under consideration is a **phased approach to implementation based on demographics**. SWG members are discussing whether non-phase-in counties will be able to adopt a phased approach to MAAFPCWDA implementation. For example, MAAFCPWDA statewide implementation could begin its first year by serving only African American children and American Indian children for whom the Indian Child Welfare Act (ICWA) does not apply. By the third year, MAAFPCWDA statewide implementation could expand to

⁴² Minnesota Statutes 260.63, subd. 10

⁴³ Minnesota Statutes 260.64

⁴⁴ Available upon request. To request a copy of the initial program evaluation, visit [Data Requests](#) on the DCYF website.

include children with disabilities, and by the fourth year, children from families with low socioeconomic status. This is an early-stage discussion and requires further learnings to determine feasibility, consistency and alignment with statewide rollout goals.

An area of inquiry for some SWG members is related to **statewide protections provided to the Phase-in Program should delays occur**. For example, an otherwise-eligible family cannot receive services because they are not yet available, and there is a discrepancy between the Phase-in Program guidelines and court interpretations. In addition, some SWG members are questioning how such protections could be carried over to non-Phase-in Program counties during statewide rollout to provide grace for learning.

One point of concern for some SWG members relates to the **gradual phase-in approach currently being implemented by Hennepin and Ramsey Counties**. Some members have expressed a need for clearer information about the random selection process; as well as a better understanding of the rationale for the phased in percentages. Additionally, a preference has been expressed to serve 100 percent of families who qualify under MAAFPCWDA through the Phase-In Program.

ACTIVE EFFORTS CONSIDERATIONS AND IDEAS

One of the primary components of MAAFPCWDA requires active efforts to prevent out-of-home placement and, if out-of-home placement is necessary, reunify African American and disproportionately represented children with their families as soon as it is safe to do so. The SWG is currently discussing several ideas and questions that relate to the provision of active efforts, **though none are currently considered official SWG recommendations**:

- **Family Group Decision Making:** Members are in the early stages of thinking about including pre-removal Family Group Decision Making meetings within MAAFPCWDA before an official petition to remove a child from the child's home is permitted.⁴⁵
- **Post-reunification services:** Members have begun early discussions about the possibility of recommending that a post-reunification program and services be developed and provided as a form of active efforts in MAAFPCWDA.⁴⁶ The intent of such a program is to prevent reentry into the child welfare system and to promote long-term family well-being.

⁴⁵ Minnesota Statutes 260.66

⁴⁶ Minnesota Statutes 260.64, subd. 1

- **Alternative culturally informed services:** Under MAAFPCWDA, out-of-home placement is prohibited unless certain conditions are met.⁴⁷ Members are reviewing a proposal to include alternatives if culturally informed and culturally appropriate services are inaccessible.
- **Provision of concrete resources and services:** Some members are curious if making active efforts means it is the agency's responsibility to provide concrete resources, such as housing, when it is an identified barrier for families. If families do not have housing, is the agency responsible for providing the housing? What exactly meets the statutory requirements for active efforts?⁴⁸

CONSIDERATIONS FOR NONCUSTODIAL PARENTS, RELATIVES AND SIBLINGS

One of the tenets of MAAFPCWDA is its emphasis on extended family, kin, and community supports. Currently under SWG member discussion is the concept of **temporary communal guardianship of children in foster care**.⁴⁹ Members are in the early stages of developing and discussing a proposal that would allow parents to identify several maternal and paternal family members to serve collectively as a communal guardian to their child.⁵⁰ In its draft form, this concept would grant the identified relatives temporary guardianship of the child and access to legal representation. While not all members of the communal guardianship would provide physical placement, each would have legal engagement in the case and the opportunity to participate in case planning to support the family's reunification journey. The intent is to expand a family's advocacy capacity, potentially doubling legal representation, while strengthening family preservation and reunification efforts.

Other ideas concern how best to support relative and sibling connections.

- **Defining “connections” as used under MAAFPCWDA:**⁵¹ Members are in the early stages of discussing the importance of developing a best-practice guide that defines maintaining “connections” as ongoing, meaningful and culturally relevant relationships with relatives, siblings and kin. In addition, such guidance could include engagement strategies through an active-efforts lens.

⁴⁷ Minnesota Statutes 260.64, subd. 3

⁴⁸ Minnesota Statutes 260.64

⁴⁹ Perhaps falling under the scope of Minnesota Statutes 260.65

⁵⁰ Minnesota Statutes 260.65

⁵¹ Laws 2024, chapter 117, section 18

- **Sibling placement and preservation:** Some members are discussing whether legislation or guidance should require that siblings be placed together whenever possible. When placement together is not possible, there should be written documentation outlining the efforts made to keep the sibling group together and the reasons it was not feasible. Additionally, members are considering whether agencies should be required to revisit sibling separation cases every 90 days to reassess placement options.
- **Tools for maintaining relationships:** Discussions are also emerging around the use of relationship maps and life books, developed within 90 days of placement, as tools to preserve and strengthen children’s identity and family connections.
- **Statewide guidance on visitation modalities:** Members are in the early stages of discussing the potential development of statewide guidance to clarify when electronic or group visitations should be considered, particularly in situations where relatives and the child live a significant distance apart.⁵² This guidance would aim to ensure consistent decision-making while supporting family connections and maintaining the child’s best interests.
- **Cultural continuity and practices:** Members are in the early stages of reflecting on the inclusion of best practice recommendations to ensure children maintain their cultural rituals, language, traditions and spiritual practices while in placement.

SWG members also have several areas of inquiry they are exploring related to noncustodial parents and relatives:

- **Noncustodial parent assessment:**⁵³ Members are in the early stages of considering whether agencies must verify that a noncustodial or non-adjudicated parent is safe to provide care. If so, what would this assessment look like? If not, what are the next steps in a child’s case? For example, does a child’s case close at the point the child is living with their noncustodial or non-adjudicated parent? What is the financial responsibility of the county agency when a child is ordered into the home of a child’s noncustodial or non-adjudicated parent? SWG members also suggest considering changing the approach so that noncustodial parents don’t feel like, or practice as, de facto foster parents. How do agencies navigate family autonomy and safety?

⁵² Minnesota Statutes 260.641

⁵³ Minnesota Statutes 260.65 (b)

- **Relative notification:**⁵⁴ Should MAAFPCWDA require ongoing relative notification after courts find active efforts have been made?
- **Relative rights:**⁵⁵ How should relatives be informed of their rights and the licensing process in a culturally accessible way?

COURT ORDERS AND OTHER LEGAL MATTERS

The SWG has begun reviewing and discussing several ideas that relate to juvenile protection proceedings, legal requirements under MAAFPCWDA and other legal matters.

Right to counsel

MAAFPCWDA includes a right to counsel in proceedings leading to emergency removals of children.⁵⁶ The SWG has been considering how courts and agencies will ensure compliance with the right-to-counsel provisions, particularly for children.

Termination of parental rights

The SWG members are in the early stages of discussing the role of case plan completion in termination of parental rights (TPR) proceedings.⁵⁷ Some members have expressed concern that removing a parent's lack of case plan completion as a permissible basis to terminate parental rights could increase the risk of children languishing in care. Others, however, highlight data showing that Black/African American and Native American children remain disproportionately represented among those who experience the longest stays in foster care following TPR. Rates for Hispanic children are also rising, reflecting a growing disproportionality.

Given this, some members question whether the current reliance on terminating parental rights based on lack of case plan completion has meaningfully reduced disparities. From this perspective, aligning with MAAFPCWDA requirements may better support family preservation, reduce unnecessary removals and address the persistent overrepresentation of children of color in foster care.

Additional questions under review that relate to TPR provisions are as follows:

⁵⁴ Minnesota Statutes 260.65 (a) and (c)

⁵⁵ Minnesota Statutes 260.65 (a) and (c)

⁵⁶ Minnesota Statutes 260.66

⁵⁷ Minnesota Statutes 260.67, subd. 2(a)

- Should the provision governing appeals of TPR orders under MAAFPCWDA⁵⁸ be repealed as the [Supreme Court guidance](#) requires courts to follow the 20-day appellate period outlined in the Minnesota Rules of Juvenile Protection Procedure rather than the 90-day period outlined under MAAFPCWDA?
- Alternatively, should there be a proposal to provide for a 90-day appeal timeline for all appeals of TPR orders in Minnesota juvenile protection proceedings?
- Should the TPR restrictions under MAAFPCWDA⁵⁹ cross-reference recent statutory changes to relative licensing requirements?

Reestablishment of parental rights

Due to the short timeline, the SWG was not able to conduct a critical analysis of provisions related to the reestablishment of parental rights,⁶⁰ and therefore does not have collective recommendations at this time. While not part of MAAFPCWDA itself, reestablishment of parental rights provisions were modified as part of the enacting MAAFPCWDA legislation.⁶¹ The SWG intends to dedicate time to this area as part of working on the implementation plan and the proposed final report. As of this interim report, the following items have been raised as areas of interest among the SWG members:

- **Reducing the timeline to reestablish parental rights:** Some members would like to begin discussing how to reduce the time a child must have been in foster care following a parent's termination of parental rights, from 24 months to 12 months, in cases where reunification conditions are met, and the child has not been adopted. The intent is to decrease the trauma a child experiences from languishing in foster care and preserve families where safety has been achieved.
- **Parent awareness and guidance:** Some members are in the early stages of discussing whether they should recommend new statute language that would require all parents be clearly informed at the time of their TPR about their right to petition for reestablishment of parental rights, along with practical guidance on the steps they must take.
- **Access to legal assistance:** Some members are in the early stages of discussing the capacity, feasibility, and challenges of agencies providing parents pursuing

⁵⁸ Minnesota Statutes 260.67, subd. 5

⁵⁹ Minnesota Statutes 260.67, subd. 2

⁶⁰ Minnesota Statutes 260C.329

⁶¹ Laws 2024, chapter 117, sections 14-15

reestablishment of parental rights with free legal assistance to support equitable access and advocacy. In addition, there has been early exploration of what this could look like in partnership with community organizations.

- **Court accountability and transparency:** Some members are in the early stages of discussing whether there should be a legal mandate that courts provide a written rationale when denying petitions to reestablish parental rights to ensure transparency and consistency in decision-making.

CASE REVIEWS AND COMPLIANCE SYSTEM

An ongoing area of review and learning for the SWG is county-led case reviews and the development of a system to assess county compliance with MAAFPCWDA.

County-led case review requirements under Minnesota Statutes 260.68, subd. 2, have been an ongoing topic for discussion. SWG members have engaged in extensive discussions about legislative revisions to this section so that it reflects the original bill language. Additionally, members are in the early stages of discussing whether to propose deleting the following phrase from data points counties must review:

(11) the number and race of children who are under the guardianship of the commissioner ~~or awaiting a permanency disposition~~.⁶²

Some members have expressed concern that this language could significantly complicate and overwhelm the case review process, depending on how it is interpreted (for example, it could include all pending child protection cases in which children are removed and their out-of-home placement time is accumulating). Further discussion is needed to ensure a shared understanding and minimize inconsistencies in practice intent.

Members would like to review what the Phase-in Program counties are using as case review tools to learn from and potentially recommend that DCYF adopt the tool in its entirety or incorporate select components into the statewide case review framework.

An ongoing question is whether county-led case reviews should focus solely on closed cases (as currently practiced) or also include pending cases, particularly given the compliance review portal.⁶³ Once DCYF presents the portal to the SWG members, the SWG is prepared to provide critical feedback and include recommendations within the implementation plan and proposed final report.

⁶² Minnesota Statutes 260.68, subd. 2(b)(11)

⁶³ Laws 2024, chapter 117, section 17

The forthcoming proposed system for DCYF to review county compliance with MAAFPCWDA⁶⁴ is another area of discussion among the SWG. Members have been engaging in intentional discussions on coordinating penalties under the legislative directive to the commissioner.⁶⁵ Some members support coordinating penalties due to noncompliance, believing it reinforces accountability and responsibility within the system. Other members express concern that financial penalties could harm the families served, as they may reduce available resources for family support.

Some members are interested in reviewing the ICWA compliance tool and process as a learning resource. They see value in modeling aspects of MAAFPCWDA's compliance process after ICWA compliance reviews and processes, as this could save time and resources, given that the infrastructure is already established. Other members, however, encourage developing a completely new compliance review tool and process, particularly considering the potential financial penalties associated with ICWA non-compliance. Their rationale is that such penalties can reduce counties' financial resources, which in turn can negatively affect the families served.

ENGAGEMENT WITH THE AFRICAN AMERICAN CHILD AND FAMILY WELL-BEING UNIT AND ADVISORY COUNCIL

The SWG has had limited engagement with both the African American Child and Family Well-Being Advisory Council and DCYF's African American Child and Family Well-being Unit. SWG members do not feel they have sufficient knowledge to recommend meaningful legislative or other changes that may impact the work of the council or the unit without first learning from and consulting with both.

One idea currently under consideration that may relate to the work of the African American Child and Family Well-being Unit and the provision of active efforts to prevent out-of-home placement⁶⁶ is an **African American Child Well-being Framework**. Some SWG members are in the early stages of exploring whether such a framework could be developed and utilized to guide decision-making when working with African American families. Such a framework, potentially developed by the African American Child and Family Well-being Unit, could also inform the creation of decision-making frameworks for other disproportionately represented populations, ensuring culturally responsive and equitable practices across child welfare systems.

⁶⁴ Laws 2024, chapter 117, section 19

⁶⁵ Laws 2024, chapter 117, section 19(a)

⁶⁶ Minnesota Statutes 260.64

SWG members have expressed interest in **learning more about the council's role, contributions and challenges since its establishment** to build alignment, mutual learning and stronger statewide collaboration. As of this report, SWG members are in the early stages of exploring and discussing:

- The need to secure a dedicated budget to support the council's work, including data analysis, coordination and other operational needs
- Strengths and limitations of providing the council with real-time access to disaggregated child welfare data to strengthen informed decision-making and timely interventions
- The council's authority and the role it should play regarding DCYF's MAAFPCWDA oversight. In addition, members are exploring the council's capacity and ability to engage in compliance reviews, issue formal findings and provide statewide recommendations
- The council's interest in having the authority and autonomy to propose its own priorities, develop tools and determine structural needs to support its work.

As SWG members engage more with the council, future recommendations may be incorporated into the implementation plan and the proposed final legislative report.

The SWG also inquires whether DCYF can provide guidance to the Phase-in Program counties on **the content of the council's report** due Jan. 1, 2026. This would help Phase-in Program counties focus on the anticipated data necessary for this report.

THE AFRICAN AMERICAN AND DISPROPORTIONATELY REPRESENTED FAMILY PRESERVATION GRANT PROGRAM

The SWG was not able to conduct a critical analysis of the African American and Disproportionately Represented Family Preservation Grant Program⁶⁷ before the interim report's due date. As a result, most SWG members have not had sufficient time to develop collective recommendations. Additional time will be dedicated to this area as the SWG continues work on the implementation plan and the proposed final report.

Proposed ideas and areas for continued learning and discussion are as follows:

⁶⁷ Minnesota Statutes 260.693

- **Distribution of service information:** Members began discussing requiring county agencies to provide parents with information about services funded by this grant program at the very start of county agency involvement.
- **Support for Black-led and emerging community organizations:** Members are discussing providing infrastructure funding to smaller or emerging, Black-led community organizations to help them become eligible grantees. Members also raised the idea of allowing community-nominated providers, not just those listed by county agencies, to expand access and representation.
- **Evaluation and family feedback:** Members are discussing the purpose, feasibility, possibility and limitations of including feedback directly from families who receive grant-funded services within the grant evaluation process to better assess effectiveness and impact.
- **Federal guidance concerns:** Members are in the early stages of discussing the federal [Guidance for Recipients Regarding Federal Funding for Unlawful Discrimination](#) issued by the U.S. Attorney General on July 29, 2025. Members expressed concern that aspects of this guidance may directly target language in the grant program's governing statute, potentially creating adverse impacts on the execution of grants under MAAFPCWDA.
- **Clarity in statutory language:** Members discussed simplifying language and eliminating repetition to ensure clarity of intent in Minnesota Statutes 260.693, subd. 2(a)(6). For example, the phrase "highest disparities, disproportionality, and overrepresentation" may be more effective if simplified into a single concept.

FUNDING AND OTHER RESOURCE NEEDS

Due to the short timeline in developing the interim report, the SWG was not able to conduct a critical analysis of funding and resource needs. As a result, most members have not had sufficient time to develop collective recommendations. Additional time will be dedicated to this area as the SWG continues work on the implementation plan and the proposed final report.

In the interim, the following items related to funding and other resource needs are currently under discussion:

- **Proposed extension of one-time funding for Phase-in Program:** The SWG learned that there has been a delay in the Phase-in Program counties receiving their one-

time legislative appropriations.⁶⁸ While statewide implementation of MAAFPCWDA goes into effect Jan. 1, 2027, the section of Laws 2024, chapter 117 governing the Phase-in Program does not expire until June 30, 2027. The SWG members raised the possibility of extending the availability of these funds from June 30, 2026, to June 30, 2027.

- **Timing of cost analysis for statewide implementation:** The SWG's preliminary recommendation that [the Statewide Working Group should have clearer roles and expectations](#) includes a provision that DCYF complete a cost analysis to support the SWG's legislative mandate around cost assessment. SWG members have been discussing when a new cost analysis, which also includes projected costs for the rest of the state, would be conducted.

See also [Initial Cost Needs and Considerations for Statewide Implementation](#).

CULTURAL COMPETENCY AND OTHER TRAINING NEEDS

A few considerations needing further review relate to cultural competency training requirements⁶⁹ and needs under MAAFPCWDA.

- **Cultural competency training timeline tensions:** Members are in the early stages of discussing the time frame for training completion and the requirement that practitioners must either complete the training before serving MAAFPCWDA-eligible families or be under the oversight of someone who has completed it. Some members have raised concerns about the projected rollout date for the cultural competency training and the large number of agency practitioners who would need to complete it within six months of engaging with MAAFPCWDA-eligible families. Others believe that, given the current design of the legislation, it will take closer to a year to complete statewide training, which they consider sufficient.
- **Expansion of training content:** Members are considering the potential requirement that training include modules on:
 - Parenting in poverty and recognizing safety in low-income homes
 - Implicit bias in decision-making
 - Historical trauma and its present-day impacts
 - Trauma-informed approaches specific to Black families.

⁶⁸ Laws 2024, chapter 117, section 22(a)

⁶⁹ Minnesota Statutes 260.69

- **Evaluating training application in a worker's practice:** Members are discussing whether there should be an evaluation process that assesses how workers are applying cultural knowledge in their day-to-day practice, such as through case file reviews.
- **Community co-facilitation:** Members are exploring the idea of encouraging training to be co-facilitated by community members or lived-experience experts to strengthen authenticity and connection to families.
- **Tracking and compliance reporting:** Members are in the early stages of considering a system for tracking participation in training and requiring agencies to report compliance annually to DCYF.
- **Training prioritization:** Members are raising questions about sequencing and priority. One proposal is that the Minnesota Child Welfare Training Academy (MNCWTA) first prioritize training for social services agency staff and supervisors before opening access to other child welfare partners, such as attorneys, judges and community organizations.

Members are also discussing **how to develop, engage and expand multidisciplinary training**. Most recognize that overall outcomes in child protection are not solely the responsibility of child protection agencies. The SWG questions how to ensure that the educational, medical, law enforcement and other key partners are trained and educated on MAAFPCWDA, cultural competency and their role as active efforts partners.

POSSIBLE STATUTORY MODIFICATIONS BASED ON PRACTICE IMPLICATIONS AND OTHER CONSIDERATIONS

The SWG is discussing several possible statutory changes across MAAFPCWDA that may be necessary to address local practice implications or clarify potential contradictions without altering the overall legislative intent. **Any statutory changes outlined in this section remain under discussion by the SWG and are not official recommendations from the SWG.**

- **Safety plan:** Members are considering whether statutory language outlining agency requirements to implement a safety plan should be amended as follows:⁷⁰

⁷⁰ Minnesota Statutes 260.64, subd. 2(a)(1)

“The responsible social services agency must: (1) make active efforts to engage the child's parent or custodian and the child, ~~when appropriate except as otherwise provided herein;~~”

- **Comfort calls/initial calls:** To support requirements to ensure frequent visitation for African American and disproportionately represented children,⁷¹ members are discussing how statutorily mandated comfort calls/initial calls for all children removed from their homes and placed in foster care⁷² should be included in MAAFPCWDA. The current discussion includes considering best-practice guidance and required training for agency practitioners and foster parents on initial calling, given inconsistent ongoing practice. There is some interest in amending Minnesota Statutes 260C.219, subd. 6(b) to include MAAFPCWDA-eligible children within the active efforts exception; for example:

(b) The responsible social services agency should attempt to coordinate the phone call in paragraph (a) as soon as practicable after the child arrives at the placement but no later than 72 hours after the child's placement. If the responsible social services agency determines that the phone call is not in the child's best interests, or if the agency is unable to identify, locate, or contact the child's parent or legal guardian despite reasonable efforts, or despite active efforts if the child is an American Indian child or if the Minnesota African American Family Preservation and Child Welfare Disproportionality Act applies, the agency may delay the phone call until up to 48 hours after the agency determines that the phone call is in the child's best interests, or up to 48 hours after the child's parent or legal guardian is located or becomes available for the phone call. The responsible social services agency is not required to attempt to coordinate the phone call if placing the phone call poses a danger to the mental or physical health of the child or foster parent.

- **Noncustodial parents and relatives:** Members are in the early stages of discussing whether it is necessary and appropriate to clarify the circumstances under which identification, location and notification requirements for noncustodial parents and relatives⁷³ may not be feasible before a child's removal from their home. This remains under discussion to determine whether this proposed change would provide needed clarity or if it could inadvertently decenter the principle of family preservation:

⁷¹ Minnesota Statutes 260.641

⁷² Minnesota Statutes 260C.219, subd. 6

⁷³ Minnesota Statutes 260.65(a)

(a) Except as provided in section 260.66, prior to the removal of an African American or a 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](#), paragraph (b). The responsible social services agency must maintain detailed records of the agency's efforts to notify parents and relatives under this section.

- **“Guardian” included in maintaining connections:** Members are considering whether “guardian” should be included in the list of individuals with whom children in foster care need to maintain relational connections.⁷⁴

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

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

EFFECTIVE DATE. This section is effective January 1, 2027, except as provided under section 20.

V. INITIAL COST NEEDS AND CONSIDERATIONS FOR STATEWIDE IMPLEMENTATION

As Minnesota moves toward statewide implementation of MAAFPCWDA, significant financial investment will be necessary to ensure fidelity to the legislation, support for families and sustainability of practice across counties. The DeYoung Initial Cost Analysis⁷⁵

⁷⁴ Laws 2024, chapter 117, section 18

⁷⁵ Available upon request. To request a copy of the initial cost analysis, visit [Data Requests](#) on the DCYF website.

provides valuable baseline estimates while also acknowledging the limitations of current fiscal data from the Phase-in Program. Building on that report and the discussions within the SWG, several funding priorities have emerged.

Supervision and family support: Funding will be needed to strengthen family and kinship networks that are central to family preservation. This includes:

- Compensation for extended family members and foster parents who provide supervised visitation, including covering costs for transportation, meals and activities
- Financial support for non-custodial and non-adjudicated parents, such as housing assistance, childcare and other stabilization supports needed to assume care of their children
- Support for relative placements, including daycare subsidies, transportation and phone access to maintain consistent engagement
- Temporary housing and financial stabilization provisions to prevent disruptions in kinship placements
- Investment in relative search positions and cross-county relative search technologies, ensuring timely identification and engagement of kin and relatives.

Active efforts, workforce and community partnerships: The mandate to provide active efforts⁷⁶ will inherently require counties to maintain manageable caseloads and engage in intensive, culturally responsive practice. This will require:

- New staff hiring to achieve recommended caseload ratios (8:1 for case management and 12:1 for assessments per DeYoung Initial Cost Analysis⁷⁷)
- Salary and benefit costs for child welfare workers, supervisors, quality assurance staff, case aides and administrative support
- Office equipment, technology and travel reimbursements to support mobility and efficiency
- Contracted services and grants to community-based organizations for culturally specific services, family supports and parent coaching
- Increased visitation costs, including worker travel and family supports, to align with legislation's emphasis on frequent and meaningful contact.

⁷⁶ Minnesota Statutes 260.64

⁷⁷ Available upon request. To request a copy of the initial cost analysis, visit [Data Requests](#) on the DCYF website.

Case review infrastructure: Should the responsibility to conduct county-led case reviews under Minnesota Statutes 260.68, subd. 2, shift from counties to DCYF, then DCYF (and to some degree, counties) will need to expand case review capacity. Funding considerations include:

- A dedicated case review unit at DCYF or additional case review professionals within a current unit to balance qualitative and quantitative review processes to ensure meaningful learning and accountability
- Development of review tools, templates and remedial planning resources for consistent statewide practice.

Compliance review system: Session Laws 2024, chapter 117, section 19 outlines the need for a statewide compliance review system. Costs will depend on whether DCYF builds the system internally or contracts externally.

- If Collaborative Safety or another safety science framework is adopted, statewide contracting costs should be anticipated
- Ongoing system administration and integration with county reporting structures will require both staffing and technology resources.

Training and professional development: Implementation will require a significant investment in training across multiple domains. Funding considerations include:

- Trainers and curriculum development for cultural competency/humility, active efforts and legal/policy alignment trainings.
- Ongoing training cycles, not one-time sessions, to ensure workforce retention of knowledge and adaptation to emerging disparities
- Specialized training for external partners, including judges, attorneys, law enforcement, guardians ad litem (GALs) and community-based providers.

Technology modernization (SSIS): The current Social Service Information System will need modernization to track the nuanced requirements of MAAFPCWDA. Anticipated costs include:

- Expanded data categories (race/ethnicity, disability, socioeconomic status, cultural practices)
- Safety planning templates and documentation tools aligned with active efforts
- Integration of compliance and case review functions to streamline accountability.

Administrative and indirect costs: Finally, statewide implementation will also require indirect supports, many of which were noted in the DeYoung Initial Cost Analysis.⁷⁸ These include:

- Personnel transportation, supplies and office expenses
- Court filing and documentation management
- Human resources, accounting and program evaluation support
- Expanded data collection and reporting systems
- Other system-wide upgrades.

The costs outlined above represent both the immediate financial lift and the long-term investment required to make MAAFPCWDA successful statewide. Although data is limited, this baseline will provide a good start. While upfront costs may appear substantial, driven by staffing, training, family supports and technology, these investments are expected to reduce out-of-home placements, increase family stability and create more equitable outcomes over time. Counties, DCYF, legislators and community partners will need to work together to ensure that resources are allocated in ways that reflect both the spirit and the requirements of MAAFPCWDA.

⁷⁸ Available upon request. To request a copy of the initial cost analysis, visit [Data Requests](#) on the DCYF website.

APPENDIX A: LAWS 2024, CHAPTER 117

CHAPTER 117--S.F.No. 716

An act relating to human services; establishing the Minnesota African American Family Preservation and Child Welfare Disproportionality Act; modifying child welfare provisions; requiring reports; appropriating money; amending Minnesota Statutes 2022, section 260C.329, subdivisions 3, 8; proposing coding for new law in Minnesota Statutes, chapter 260.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[260.61] CITATION.**

Sections 260.61 to 260.693 may be cited as the "Minnesota African American Family Preservation and Child Welfare Disproportionality Act."

EFFECTIVE DATE. This section is effective January 1, 2027, except as provided under section 20.

Sec. 2. **[260.62] PURPOSES.**

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

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

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

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

(b) Nothing in this legislation is intended to interfere with the protections of the Indian Child Welfare Act of 1978, United States Code, title 25, sections 1901 to 1963, or the Minnesota Indian Family Preservation Act, sections 260.751 to 260.835. The federal Indian Child Welfare Act and the Minnesota Indian Family Preservation Act apply in any child placement proceeding, as defined in section 260.755, subdivision 3, involving an Indian child, as defined in section 260.755, subdivision 8.

EFFECTIVE DATE. This section is effective January 1, 2027, except as provided under section 20.

Sec. 3. **[260.63] DEFINITIONS.**

Subdivision 1. Scope. The definitions in this section apply to sections 260.61 to 260.693.

Subd. 2. Active efforts. "Active efforts" means a rigorous and concerted level of effort that the responsible social services agency must continuously make throughout the time that the responsible social services agency is involved with an African American or a disproportionately represented child and the child's family. To provide active efforts to preserve an African American or a disproportionately represented child's family, the responsible social services agency must continuously involve an African American or a disproportionately represented child's family in all services for the family, including case planning and choosing services and providers, and inform the family of the ability to file a report of noncompliance with this act with the commissioner through the child welfare compliance and feedback portal. When providing active efforts, a responsible social services agency must consider an African American or a disproportionately represented child's family's social and cultural values at all times while providing services to the African American or disproportionately represented child and the child's family. Active efforts includes continuous efforts to preserve an African American or a disproportionately represented child's family and to prevent the out-of-home placement of an African American or a disproportionately represented child. If an African American or a 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 a 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 person under 18 years of age having origins in Africa, including a child of two or more races who has at least one parent with origins in Africa. Whether a child or parent has origins in Africa is based upon self-identification or identification of the child's origins by the parent or guardian.

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:

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

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

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

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

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

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

Subd. 10. Disproportionately represented child. "Disproportionately represented child" means a person who is under the age of 18 and who is a member of a community whose race, culture, ethnicity, disability status, or low-income socioeconomic status is disproportionately encountered, engaged, or identified in the child welfare system as compared to the representation in the state's total child population, as determined on an annual basis by the commissioner. A child's race, culture, or ethnicity is determined based upon a child's self-identification or identification of a child's race, culture, or ethnicity as reported by the child's parent or guardian.

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

Subd. 12. Foster care placement. "Foster care placement" means the temporary placement of an African American or a disproportionately represented child in foster care as defined in section 260C.007, subdivision 18, following the court-ordered removal of the child when the parent or legal custodian cannot have the child returned upon demand.

Subd. 13. Imminent physical damage or harm. "Imminent physical damage or harm" means that a child is threatened with immediate and present conditions that are life-threatening or likely to result in abandonment, sexual abuse, or serious physical injury. The existence of community or family poverty, isolation, single parenthood, age of the parent, crowded or inadequate housing, substance use, prenatal drug or alcohol exposure, mental illness, disability or special needs of the parent or child, or nonconforming social behavior does not by itself constitute imminent physical damage or harm.

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

Subd. 15. Parent. "Parent" means the biological parent of an African American or a disproportionately represented child or any person who has legally adopted an African American or a disproportionately represented child. Parent includes an unmarried father whose paternity has been acknowledged or established and a putative father. Paternity has been acknowledged when an unmarried father takes any action to hold himself out as the biological father of a child.

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

Subd. 17. **Relative.** "Relative" has the meaning given in section 260C.007, subdivision 27.

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

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

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

EFFECTIVE DATE. This section is effective January 1, 2027, except as provided under section 20.

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

Subdivision 1. **Active efforts.** A responsible social services agency shall make active efforts to prevent the out-of-home placement of an African American or a disproportionately represented child, eliminate the need for a child's removal from the child's home, and reunify an African American or a disproportionately represented child with the child's family as soon as practicable.

Subd. 2. **Safety plan.** (a) Prior to petitioning the court to remove an African American or a disproportionately represented child from the child's home under section 260.66, a responsible social services agency must work with the child's family to allow the child to remain in the child's home while implementing a safety plan based on the family's needs. The responsible social services agency must:

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

(2) assess the family's cultural and economic needs and, if applicable, needs and services related to the child's disability;

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

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

(b) The safety plan must:

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

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

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

(c) The responsible social services agency is not required to establish a safety plan:

(1) in a case with allegations of sexual abuse or egregious harm;

(2) when the parent is not willing to follow a safety plan;

(3) when the parent has abandoned the child or is unavailable to follow a safety plan; or

(4) when the parent has chronic substance use disorder issues and is unable to parent the child.

Subd. 3. **Out-of-home placement prohibited.** Unless the court finds by clear and convincing evidence that the child would be at 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 a disproportionately represented child alleged to be in need of protection or services. At each hearing regarding an African American or a 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 demonstrate that the agency is providing culturally informed, strength-based, community-involved, and community-based services to the child and the child's family.

Subd. 4. Required findings that active efforts were provided. 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.

EFFECTIVE DATE. This section is effective January 1, 2027, except as provided under section 20.

Sec. 5. [260.641] ENSURING FREQUENT VISITATION FOR AFRICAN AMERICAN AND DISPROPORTIONATELY REPRESENTED CHILDREN IN OUT-OF-HOME PLACEMENT.

A responsible social services agency must engage in best practices related to visitation when an African American or a disproportionately represented child is in out-of-home placement. When the child is in out-of-home placement, the responsible social services agency shall make active efforts to facilitate regular and frequent visitation between the child and the child's parents or custodians, the child's siblings, and the child's relatives. If visitation is infrequent between the child and the child's parents, custodians, siblings, or relatives, the responsible social services agency shall make active efforts to increase the frequency of visitation and address any barriers to visitation.

EFFECTIVE DATE. This section is effective January 1, 2027, except as provided under section 20.

Sec. 6. [260.65] NONCUSTODIAL PARENTS; RELATIVE PLACEMENT.

(a) Prior to the removal of an African American or a 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, paragraph (b). 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 a 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) The relative search, notice, engagement, and placement consideration requirements under section 260C.221 apply under this act.

EFFECTIVE DATE. This section is effective January 1, 2027, except as provided under section 20.

Sec. 7. [260.66] EMERGENCY REMOVAL.

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

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

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

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

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

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

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

Subd. 3. Emergency proceeding requirements. (a) The court shall hold a hearing no later than 72 hours, excluding weekends and holidays, after the emergency removal of the African American or disproportionately represented child. The court shall determine whether the emergency removal continues to be necessary to prevent imminent physical damage or harm to the child and whether, after considering the child's particular circumstances, the imminent physical damage or harm to the child outweighs the harm that the child will experience as a result of continuing the emergency removal.

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

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

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

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

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

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

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

EFFECTIVE DATE. This section is effective January 1, 2027, except as provided under section 20.

Sec. 8. [260.67] TRANSFER OF PERMANENT LEGAL AND PHYSICAL CUSTODY; TERMINATION OF PARENTAL RIGHTS; CHILD PLACEMENT PROCEEDINGS.

Subdivision 1. Preference for permanency placement with a relative. Consistent with section 260C.513, if an African American or disproportionately represented child cannot be returned to the child's parent, permanency placement with a relative is preferred. The court shall consider the requirements of and responsibilities under section 260.012, paragraph (a), and, if possible and if requirements under section 260C.515, subdivision 4, are met, 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. When the responsible social services agency is the petitioner, prior to the court ordering a transfer of permanent legal and physical custody to a relative, 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 a disproportionately represented child based solely on the parent's failure to complete case plan requirements.

(b) Except as provided in paragraph (c), a court shall not terminate the parental rights of a parent of an African American or a 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.

Subd. 3. Termination of parental rights; exceptions. (a) The court may terminate the parental rights of a parent of an African American or a disproportionately represented child if a transfer of permanent legal and physical custody under subdivision 1 is not possible because the child has no willing or able noncustodial parent or relative to whom custody can be transferred, if it finds that one or more of the following conditions exist:

(1) that the parent has abandoned the child;

(2) that a parent is palpably unfit to be a party to the parent and child relationship because of a consistent pattern of specific conduct before the child or of specific conditions directly relating to the parent and child relationship, either of which are determined by the court to be of a duration or nature that renders the parent unable, for the reasonably foreseeable future, to care appropriately for the ongoing physical, mental, or emotional needs of the child;

(3) that following the child's placement out of the home, active efforts, under the direction of the court, have failed to correct the conditions leading to the child's

placement. It is presumed that active efforts under this clause have failed upon a showing that:

(i) a child has resided out of the parental home under court order for a cumulative period of 12 months within the preceding 22 months. In the case of a child under age eight at the time that the petition was filed alleging the child to be in need of protection or services, the presumption arises when the child has resided out of the parental home under court order for six months unless the parent has maintained regular contact with the child and the parent is complying with the out-of-home placement plan;

(ii) the court has approved the out-of-home placement plan required under section 260C.212 and filed with the court under section 260C.178;

(iii) conditions leading to the out-of-home placement have not been corrected. It is presumed that conditions leading to a child's out-of-home placement have not been corrected upon a showing that the parent or parents have not substantially complied with the court's orders and a reasonable case plan; and

(iv) active efforts have been made by the responsible social services agency to rehabilitate the parent and reunite the family; and

(4) that a child has experienced egregious harm in the parent's care that is of a nature, duration, or chronicity that indicates a lack of regard for the child's well-being, such that a reasonable person would believe it contrary to the best interests of the child or of any child to be in the parent's care.

(b) For purposes of paragraph (a), clause (1), abandonment is presumed when:

(1) the parent has had no contact with the child on a regular basis and has not demonstrated consistent interest in the child's well-being for six months and the social services agency has made active efforts to facilitate contact with the parent, unless the parent establishes that an extreme financial or physical hardship or treatment for mental disability or substance use disorder or other good cause prevented the parent from making contact with the child. This presumption does not apply to children whose custody has been determined under chapter 257 or 518; or

(2) the child is an infant under two years of age and has been deserted by the parent under circumstances that show an intent not to return to care for the child.

Subd. 4. Voluntary termination of parental rights. Nothing in subdivisions 2 and 3 precludes the court from terminating the parental rights of a parent of an African American or a disproportionately represented child if the parent desires to voluntarily terminate the

parent's own parental rights for good cause under section 260C.301, subdivision 1, paragraph (a).

Subd. 5. Appeals. Notwithstanding the Minnesota Rules of Juvenile Protection Procedure, rule 47.02, subdivision 2, a parent of an African American or a disproportionately represented child whose parental rights have been terminated may appeal the decision within 90 days of the service of notice by the court administrator of the filing of the court's order.

EFFECTIVE DATE. This section is effective January 1, 2027, except as provided under section 20.

Sec. 9. [260.68] RESPONSIBLE SOCIAL SERVICES AGENCY CONDUCT AND CASE REVIEW.

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

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

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

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

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

Subd. 2. Case review. (a) Each responsible social services agency shall conduct a review of all child welfare cases for African American and other disproportionately represented children handled by the agency. Each responsible social services agency shall create a summary report of trends identified under paragraphs (b) and (c), a remediation plan as provided in paragraph (d), and an update on implementation of any previous remediation plans. The first report shall be provided to the African American Child Well-Being Advisory Council, the commissioner, and the chairs and ranking minority members of the legislative committees with jurisdiction over child welfare by October 1, 2029, and annually thereafter. For purposes of determining outcomes in this subdivision, responsible social services agencies shall use guidance from the commissioner. The commissioner shall provide guidance starting on November 1, 2028, and annually thereafter.

(b) 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;

(4) the number and race of children whose parents or custodians are referred to community-based, culturally appropriate, strength-based, or trauma-informed services;

(5) the number and race of children removed from their homes;

(6) the number and race of children reunified with their parents or custodians;

(7) the number and race of children whose parents or custodians are offered family group decision-making services;

(8) the number and race of children whose parents or custodians are offered the parent support outreach program;

(9) the number and race of children in foster care or out-of-home placement at the time that the data is gathered;

(10) the number and race of children who achieve permanency through a transfer of permanent legal and physical custody to a relative or an adoption; and

(11) the number and race of children who are under the guardianship of the commissioner or awaiting a permanency disposition.

(c) The required case review must also:

(1) identify barriers to reunifying children with their families;

(2) identify the family conditions that led to the out-of-home placement;

(3) identify any barriers to accessing culturally informed mental health or substance use disorder treatment services for the parents or children;

(4) document efforts to identify fathers and maternal and paternal relatives and to provide services to custodial and noncustodial fathers, if appropriate; and

(5) document and summarize court reviews of active efforts.

(d) Any responsible social services agency that has a case review showing disproportionality and disparities in child welfare outcomes for African American and other disproportionately represented children and the children's families, compared to the agency's overall outcomes, must include in their case review summary report a remediation plan with measurable outcomes to identify, address, and reduce the factors that led to the disproportionality and disparities in the agency's child welfare outcomes. The remediation plan shall also include information about how the responsible social services agency will achieve and document trauma-informed, positive child well-being outcomes through remediation efforts.

EFFECTIVE DATE. This section is effective January 1, 2027, except as provided under section 20.

Sec. 10. [260.69] CULTURAL COMPETENCY TRAINING FOR INDIVIDUALS WORKING WITH AFRICAN AMERICAN AND DISPROPORTIONATELY REPRESENTED CHILDREN.

Subdivision 1. Applicability. The commissioner of human services must collaborate with the Children's Justice Initiative to ensure that cultural competency training is given to individuals working in the child welfare system, including child welfare workers and supervisors. Training must also be made available to attorneys, juvenile court judges, and family law judges.

Subd. 2. Training. (a) The commissioner must develop training content and establish the frequency of trainings for child welfare workers and supervisors.

(b) The cultural competency training under this section is required prior to or within six months of beginning work with any African American or disproportionately represented child and their family. A responsible social services agency staff person who is unable to complete the cultural competency training prior to working with African American or disproportionately represented children and their families must work with a qualified staff person within the agency who has completed cultural competency training until the person is able to complete the required training. The training must be available by January 1, 2027, and must:

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

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

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

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

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

Subd. 3. **Update.** The commissioner must provide an update to the chairs and ranking minority members of the legislative committees with jurisdiction over child protection by January 1, 2028, on the rollout of the training under subdivision 1 and the content and accessibility of the training under subdivision 2.

EFFECTIVE DATE. This section is effective January 1, 2027, except as provided under section 20.

Sec. 11. [260.691] AFRICAN AMERICAN CHILD WELL-BEING ADVISORY COUNCIL.

Subdivision 1. **Duties.** The African American Child Well-Being Advisory Council must:

(1) review annual reports related to African American children involved in the child welfare system. These reports may include but are not limited to the maltreatment, out-of-home placement, and permanency of African American children;

(2) assist with and make recommendations to the commissioner for developing strategies to reduce maltreatment determinations, prevent unnecessary out-of-home placement, promote culturally appropriate foster care and shelter or facility placement decisions and settings for African American children in need of out-of-home placement, ensure timely achievement of permanency, and improve child welfare outcomes for African American children and their families;

(3) review summary reports on targeted case reviews prepared by the commissioner to ensure that responsible social services agencies meet the needs of African American children and their families. Based on data collected from those reviews, the council shall assist the commissioner with developing strategies needed to improve any identified child welfare outcomes, including but not limited to maltreatment, out-of-home placement, and permanency for African American children;

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

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

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

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

(8) assist the commissioner with developing strategies to promote the development of a culturally diverse and representative child welfare workforce in Minnesota that includes professionals who are reflective of the community served and who have been directly impacted by lived experiences within the child welfare system. The council must also assist the commissioner with exploring strategies and partnerships to address education and training needs, hiring, recruitment, retention, and professional advancement practices.

Subd. 2. Annual report. By January 1, 2026, and annually thereafter, the council shall report to the chairs and ranking minority members of the legislative committees with jurisdiction over child protection on the council's activities under subdivision 1 and other issues on which the council chooses to report. The report may include recommendations for statutory changes to improve the child protection system and child welfare outcomes for African American children and families.

EFFECTIVE DATE. This section is effective July 1, 2024.

Sec. 12. **[260.692] AFRICAN AMERICAN CHILD WELL-BEING UNIT.**

Subdivision 1. Duties. The African American Child Well-Being Unit, currently established by the commissioner, must:

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

(2) provide technical assistance, including on-site technical assistance, and case consultation to responsible social services agencies to assist agencies with implementing and complying with the Minnesota African American Family Preservation and Child Welfare Disproportionality Act;

(3) monitor individual county and statewide disaggregated and nondisaggregated data to identify trends and patterns in child welfare outcomes, including but not limited to reporting, maltreatment, out-of-home placement, and permanency of African American children and develop strategies to address disproportionality and disparities in the child welfare system;

(4) develop and implement a system for conducting case reviews when the commissioner receives reports of noncompliance with the Minnesota African American Family Preservation and Child Welfare Disproportionality Act or when requested by the parent or custodian of an African American child. Case reviews may include but are not limited to a review of placement prevention efforts, safety planning, case planning and service provision by the responsible social services agency, relative placement consideration, and permanency planning;

(5) establish and administer a request for proposals process for African American and disproportionately represented family preservation grants under section 260.693, monitor grant activities, and provide technical assistance to grantees;

(6) in coordination with the African American Child Well-Being Advisory Council, coordinate services and create internal and external partnerships to support adequate access to services and resources for African American children and their families, including but not limited to housing assistance, employment assistance, food and nutrition support, health care, child care assistance, and educational support and training; and

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

Subd. 2. Case reviews. (a) The African American Child Well-Being Unit must conduct systemic case reviews to monitor targeted child welfare outcomes, including but not limited to maltreatment, out-of-home placement, and permanency of African American children.

(b) The reviews under this subdivision must be conducted using a random sampling of representative child welfare cases stratified for certain case related factors, including but not limited to case type, maltreatment type, if the case involves out-of-home placement, and other demographic variables. In conducting the reviews, unit staff may use court records and documents, information from the social services information system, and other available case file information to complete the case reviews.

(c) The frequency of the reviews and the number of cases, child welfare outcomes, and selected counties reviewed shall be determined by the unit in consultation with the African American Child Well-Being Advisory Council, with consideration given to the availability of unit resources needed to conduct the reviews.

(d) The unit must monitor all case reviews and use the collective case review information and data to generate summary case review reports, ensure compliance with the Minnesota African American Family Preservation and Child Welfare Disproportionality Act, and identify trends or patterns in child welfare outcomes for African American children.

(e) The unit must review information from members of the public received through the compliance and feedback portal, including policy and practice concerns related to individual child welfare cases. After assessing a case concern, the unit may determine if further necessary action should be taken, which may include coordinating case remediation with other relevant child welfare agencies in accordance with data privacy laws, including the African American Child Well-Being Advisory Council, and offering case consultation and technical assistance to the responsible local social services agency as needed or requested by the agency.

Subd. 3. Reports. (a) The African American Child Well-Being Unit must provide regular updates on unit activities, including summary reports of case reviews, to the African American Child Well-Being Advisory Council, and must publish an annual census of African American children in out-of-home placements statewide. The annual census must include data on the types of placements, age and sex of the children, how long the children have been in out-of-home placements, and other relevant demographic information.

(b) The African American Child Well-Being Unit shall gather summary data about the practice and policy inquiries and individual case concerns received through the compliance and feedback portal under subdivision 2, paragraph (e). The unit shall provide regular reports of the nonidentifying compliance and feedback portal summary data to the African American Child Well-Being Advisory Council to identify child welfare trends and patterns to assist with developing policy and practice recommendations to support eliminating disparity and disproportionality for African American children.

EFFECTIVE DATE. This section is effective July 1, 2024.

Sec. 13. **[260.693] 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 their 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 their 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 for and consultation to responsible social services agencies and private social services agencies regarding this act;

(6) development and promotion of culturally informed, affirming, and responsive community-based prevention and family preservation services that target the children, youth, families, and communities of African American and African heritage experiencing the highest disparities, disproportionality, and overrepresentation in the Minnesota child welfare system;

(7) culturally affirming and responsive services that work with children and families in their communities to address their needs and ensure child and family safety and well-being within a culturally appropriate lens and framework;

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

(9) 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 to work 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 their 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:

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

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

(3) residential treatment facility payments;

(4) adoption assistance or Northstar Kinship assistance payments under chapter 259A or 256N;

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

(6) administrative costs for income maintenance staff.

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

EFFECTIVE DATE. This section is effective July 1, 2024.

Sec. 14. Minnesota Statutes 2022, section 260C.329, subdivision 3, is amended to read:

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

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

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

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

~~(4)~~ (3) the child has been in foster care for at least 48 24 months after the court issued the order terminating parental rights;

~~(5)~~ (4) the child has not been adopted; and

~~(6)~~ (5) the child is not the subject of a written adoption placement agreement between the responsible social services agency and the prospective adoptive parent, as required under Minnesota Rules, part 9560.0060, subpart 2.

EFFECTIVE DATE. This section is effective January 1, 2027, except as provided under section 20.

Sec. 15. Minnesota Statutes 2022, section 260C.329, subdivision 8, is amended to read:

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

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

(2) the child has not been adopted;

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

(4) at least 48~~24~~ months have elapsed following a final order terminating parental rights and the child remains in foster care;

(5) the child desires to reside with the parent;

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

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

EFFECTIVE DATE. This section is effective January 1, 2027, except as provided under section 20.

Sec. 16. DIRECTION TO COMMISSIONER OF HUMAN SERVICES; DISAGGREGATE DATA.

The commissioner of human services must establish a process to improve the disaggregation of data to monitor child welfare outcomes for African American and other disproportionately represented children in the child welfare system. The commissioner must begin disaggregating data by January 1, 2027.

EFFECTIVE DATE. This section is effective January 1, 2027.

Sec. 17. CHILD WELFARE COMPLIANCE AND FEEDBACK PORTAL.

The commissioner of human services shall develop, maintain, and administer a publicly accessible online compliance and feedback portal to receive reports of noncompliance with the Minnesota African American Family Preservation and Child Welfare Disproportionality Act under Minnesota Statutes, sections 260.61 to 260.693, and other statutes related to child maltreatment, safety, and placement. Reports received through the portal must be transferred for review and further action to the appropriate unit or department within the Department of Human Services, including but not limited to the African American Child Well-Being Unit.

EFFECTIVE DATE. This section is effective January 1, 2027, except as provided under section 20.

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

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

EFFECTIVE DATE. This section is effective January 1, 2027, except as provided under section 20.

Sec. 19. DIRECTION TO COMMISSIONER; COMPLIANCE SYSTEM REVIEW DEVELOPMENT.

(a) By January 1, 2026, the commissioner of human services, in consultation with counties and the working group established under section 21, must develop a system to review county compliance with the Minnesota African American Family Preservation and Child Welfare Disproportionality Act. The system may include but is not limited to the cases to be reviewed, the criteria to be reviewed to demonstrate compliance, the rate of noncompliance and the coordinating penalty, the program improvement plan, and training.

(b) By January 1, 2026, the commissioner of human services must provide a report to the chairs and ranking minority members of the legislative committees with jurisdiction over child welfare on the proposed compliance system review process and language to codify that process in statute.

EFFECTIVE DATE. This section is effective July 1, 2024.

Sec. 20. MINNESOTA AFRICAN AMERICAN FAMILY PRESERVATION AND CHILD WELFARE DISPROPORTIONALITY ACT; PHASE-IN PROGRAM.

(a) The commissioner of human services must establish a phase-in program that implements sections 1 to 17 in Hennepin and Ramsey Counties. The commissioner may allow additional counties to participate in the phase-in program upon the request of the counties.

(b) The commissioner of human services must report on the outcomes of the phase-in program, including the number of participating families, the rate of children in out-of-home placement, and the measures taken to prevent out-of-home placement for each participating family, to the chairs and ranking minority members of the legislative committees with jurisdiction over child welfare.

(c) Sections 1 to 17 are effective January 1, 2025, for purposes of this phase-in program. Case review reports under section 9, subdivision 2, must be provided beginning January 1, 2026.

(d) This section expires July 1, 2027.

EFFECTIVE DATE. This section is effective January 1, 2025.

Sec. 21. MINNESOTA AFRICAN AMERICAN FAMILY PRESERVATION AND CHILD WELFARE DISPROPORTIONALITY ACT; WORKING GROUP.

(a) The commissioner of human services must establish a working group to provide guidance and oversight for the Minnesota African American Family Preservation and Child Welfare Disproportionality Act phase-in program.

(b) The members of the working group must include representatives from the Minnesota Association of County Social Service Administrators, the Association of Minnesota Counties, the Minnesota Inter-County Association, the Minnesota County Attorneys Association, Hennepin County, Ramsey County, the Department of Human Services, and community organizations with experience in child welfare. The legislature may provide recommendations to the commissioner on the selection of the representatives from the community organizations.

(c) The working group must provide oversight of the phase-in program and evaluate the cost of the phase-in program. The working group must also assess future costs of implementing the Minnesota African American Family Preservation and Child Welfare Disproportionality Act statewide.

(d) By January 1, 2026, the working group must develop and submit an interim report to the chairs and ranking minority members of the legislative committees with jurisdiction over child welfare detailing initial needs for the implementation of the Minnesota African American Family Preservation and Child Welfare Disproportionality Act. The interim report must also include recommendations for any statutory or policy changes necessary to implement the act.

(e) By September 1, 2026, the working group must develop an implementation plan and best practices for the Minnesota African American Family Preservation and Child Welfare Disproportionality Act to go into effect statewide.

EFFECTIVE DATE. This section is effective July 1, 2024.

Sec. 22. **APPROPRIATIONS; MINNESOTA AFRICAN AMERICAN FAMILY PRESERVATION AND CHILD WELFARE DISPROPORTIONALITY ACT.**

(a) \$5,000,000 in fiscal year 2025 is appropriated from the general fund to the commissioner of human services for grants to Hennepin and Ramsey Counties to implement the Minnesota African American Family Preservation and Child Welfare Disproportionality Act phase-in program. Of this amount, \$2,500,000 must be provided to Hennepin County and \$2,500,000 must be provided to Ramsey County. This is a onetime appropriation and is available until June 30, 2026.

(b) \$1,000,000 in fiscal year 2025 is appropriated from the general fund to the commissioner of human services for the African American and disproportionately represented family preservation grant program under Minnesota Statutes, section 260.693. Notwithstanding Minnesota Statutes, section 16B.98, subdivision 14, the amount for administrative costs under this paragraph is \$0.

(c) \$2,367,000 in fiscal year 2025 is appropriated from the general fund to the commissioner of human services to implement the African American Family Preservation and Child Welfare Disproportionality Act. The base for this appropriation is \$3,251,000 in fiscal year 2026 and \$3,110,000 in fiscal year 2027.

Presented to the governor May 18, 2024

Signed by the governor May 21, 2024, 1:50 p.m.

APPENDIX B: STATEWIDE WORKING GROUP PROJECT CHARTER



Statewide Working Group Project Charter

Date last updated:
06/13/2025

Purpose

Provide community guidance and oversight of the Department of Children, Youth, and Families' implementation of the [Minnesota African American Family Preservation and Child Welfare Disproportionality Act \(MAAFPCWDA\)](#). The Statewide Working Group's duties are defined in Section 21 of the act. The group will focus on guidance, oversight and evaluation of the costs of the phase-in program, and identifying initial needs, costs and strategic plans that include best practices for statewide implementation.

Objectives and goals

The statewide working group has the following duties [per legislation](#) (Session Laws 2024, chapter 117, section 21):

- Provide oversight of the phase-in program and evaluate the cost of the phase-in program
- Assess future costs of implementing the Minnesota African American Family Preservation and Child Welfare Disproportionality Act statewide
- By Jan. 1, 2026, develop and submit an interim report to the chairs and ranking minority members of the legislative committees with jurisdiction over child welfare, detailing initial needs for the implementation of the act
- The interim report must also include recommendations for any statutory or policy changes necessary to implement the act
- By Sept. 1, 2026, the working group must develop an implementation plan and best practices for the act to go into effect statewide.

Scope

In bounds

- Determine the frequency, length, format and location of meetings (within the requirements of the [Open Meeting Law](#))
- Determine how meeting participants may be involved in the Statewide Working Group beyond the requirements of the [Open Meeting Law](#))
- Review the department's strategy, work plan and recommendations for initial needs and implementation of the phase-in program and statewide implementation of the act
- Develop initial needs recommendations and statewide implementation plan based on learnings from the Phase-In Program

- Request, review and discuss sensitive data as needed to accomplish duties, and within the requirements of state laws and policies
- Community/public engagement to include voices not at the table (e.g., Tribal nations, youth, etc.).

Out of bounds

- Develop, assign or implement duties outside of those determined by legislation
- Determine membership of the statewide workgroup; this is determined by Section 21 of the act and at the discretion of the department's commissioner
- Determine the role and authority of the Statewide Working Group; this is determined by Section 21 of the act and the discretion of the department's commissioner, in consultation with members of the Statewide Working Group
- Develop formal external messaging on the activities and decisions of the Statewide Working Group on behalf of the department
- Design or modify the Phase-In Program
- Determine constitutionality, revise or modify statutory language, or advocate for selective implementation
- Ongoing oversight of the act
- Define, dictate, determine, oversee or implement procedures or aspects of practice that fall within the responsibilities of other governmental agencies at the federal, state and local level (including county child welfare agencies, courts, law enforcement, etc.)
- Advise, direct or make decisions on individual cases.

Partners

DCYF committees

The department's Child Safety and Permanency Administration operates several internal committees to oversee MAAFPCWDA implementation, including the African American Child and Family Well-being Unit. This is a resource for the Statewide Working Group to consult with to inform their work.

Phase-in counties

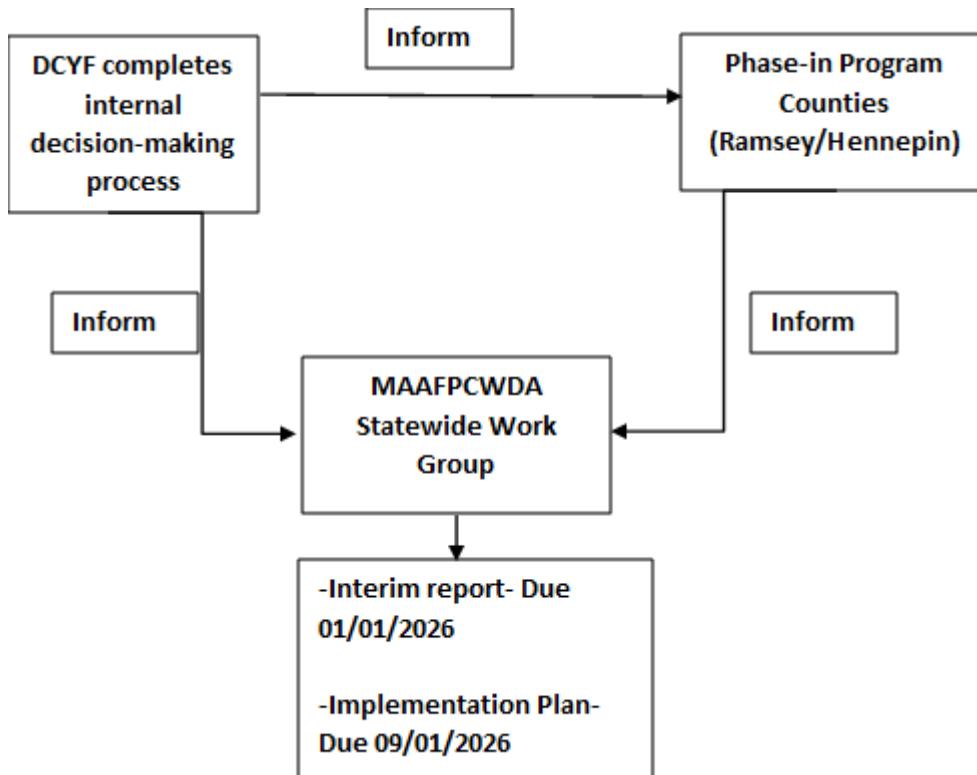
Hennepin and Ramsey Counties are implementing MAAFPCWDA first, as part of the Phase-In Program determined by Section 20 of the act. Learnings from the phase-in counties will help the Statewide Working Group identify initial implementation needs to recommend in their interim report and implementation plan.

African American Child and Family Well-Being Advisory Council

The duties of the African American Child and Family Well-Being Advisory Council are outlined in Section 11 of the act. Their role is to make recommendations to the commissioner, review summary reports on targeted case reviews and assist the Cultural and Ethnic Communities Leadership Council (CECLC) with making recommendations to the commissioner and legislature for public policy and statutory changes.

Governing structure

The MAAFPCWDA Statewide Working Group is a group established by the commissioner. Below is the decision-making structure between the groups involved:



Resources

- Cost assessment of phase-in program report provided by DeYoung Consulting Services
- Process evaluation provided by DeYoung Consulting Services
- National landscape analysis provided by DeYoung Consulting Services
- Knowledge-sharing from department staff and phase-in counties.

Timeline and Milestones

Fall 2024

- The department sent invitations to attend the first meeting
- Selection of members
- Decisions about cadence, structure and facilitation of the group
- Initial group charter completed.

Winter 2024

- Review department work plan
- Meet with department committees

Spring 2025

- Launch MAAFPCWDA Statewide Working Group

Fall 2025

- By Sept. 15, 2025, submit the first draft of the interim report to the department's commissioner

Winter 2025

- By Jan. 1, 2026, develop and submit an interim report to the chairs and ranking minority members of the legislative committees with jurisdiction over child welfare detailing initial needs for implementation, and include recommendations for any statutory or policy changes needed

Fall 2026

- By Sept. 1, 2026, develop an implementation plan and best practices for statewide implementation

Charter contacts

Ashley Aguy, MAAFPCWDA Implementation Coordinator

Ashley.aguy@state.mn.us

Sarah Shepherd, MAAFPCWDA Project Manager

Sarah.shepherd@state.mn.us

APPENDIX C: RECOMMENDED BILL LANGUAGE

Amend Minnesota Statutes 260.64, subd. 1 to read:

Subdivision 1. **Active efforts.** A responsible social services agency shall make active efforts to prevent the out-of-home placement of an African American or a disproportionately represented child, partner with the family to eliminate the need for a child's removal from the child's home, and reunify an African American or a disproportionately represented child with the child's family as soon as practicable.

Amend Minnesota Statutes 260.64, subd. 2 to read:

Subd. 2. **Safety plan.** (a) Prior to petitioning the court to remove an African American or a disproportionately represented child from the child's home under section 260.66, a responsible social services agency must work with the child's family to allow the child to remain in the child's home while implementing a safety plan based on the family's needs. The responsible social services agency must:

- (1) make active efforts to engage the child's parent or custodian and the child, when appropriate;
- (2) assess the family's cultural and economic needs and, if applicable, needs and services related to the child's disability;
- (3) hold a family group consultation meeting and connect the family with supports to establish a safety network for the family; and
- (4) provide support, guidance, and input to assist the family and the family's safety network with developing the safety plan.

(b) The safety plan must:

- (1) address the specific allegations impacting the child's safety in the home. If neglect is alleged under section 260E.03, subdivision 15, the safety plan must incorporate economic services and supports for the child and the child's family, if eligible, to address the family's specific needs and prevent neglect;
- (2) incorporate family and community support to ensure the child's safety while keeping the family intact; **and**
- (3) be adjusted as needed to address the child's and family's ongoing needs and support;

(4) assess the possibility and capacity of a kin or relative member temporarily moving into the home with the family to support child safety when child protective services are involved; and

(5) prioritize the use of family treatment centers for parents navigating substance misuse or abuse when it is in the best interest of the child.

Amend Minnesota Statutes 260.641 to read:

A responsible social services agency must engage in best practices related to visitation when an African American or a disproportionately represented child is in out-of-home placement. When the child is in out-of-home placement, the responsible social services agency shall make active efforts to facilitate regular and frequent visitation between the child and the child's parents or custodians, the child's siblings, and the child's relatives. If visitation is infrequent between the child and the child's parents, custodians, guardians, siblings, or relatives, the responsible social services agency shall make active efforts to increase the frequency of visitation and address any barriers to visitation.

Amend Minnesota Statutes 260.65 to read:

(a) Prior to the removal of, or as soon as possible thereafter, an African American or a 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, paragraph (b). The responsible social services agency must maintain detailed records of the agency's efforts to notify parents and relatives under this section.

Amend Minnesota Statutes 260.68, subd. 1 to read:

Subdivision 1. Responsible social services agency guiding principles and conduct. (a) In recognition of the historical and current disproportionate and harmful impacts of child welfare practices on families, especially families of color, the responsible social services agency is committed to ensuring that all casework is conducted with integrity, transparency, and respect for the dignity of children and families.

(b) A responsible social services agency employee Employees with who has duties related to child protection shall demonstrate integrity, accuracy, and transparency in their work, grounded in the core values of the social work profession, by not knowingly:

(1) ~~make untrue providing truthful statements based on the best available information in about any case involving a child alleged to be in need of protection or services, upholding integrity and competence in all communications;~~

(2) ~~intentionally withhold any ensuring that all material information that may be material relevant to a case is shared in a timely and complete manner, reflecting a commitment to service and social justice by promoting fairness, accountability, and equity in decision-making involving a child alleged to be in need of protection or services; or and~~

(3) ~~fabricate or falsify any creating and maintaining documentation or and evidence that is accurate, complete, and reflective of the facts of the case, honoring the dignity and worth of the person and recognizing the importance of human relationships in supporting children and families relating to a case involving a child alleged to be in need of protection or services.~~

~~(b) Any of the actions listed in paragraph (a) shall constitute grounds for adverse employment action. (c) Each county agency is responsible for ensuring that child protection practices align with the principles and requirements of MAAFPCWDA. When practices are identified that are inconsistent with these standards, the county will address them in accordance with its established human resources policies and procedures.~~

~~(d) As public employees, individuals engaging in conduct that violates these standards may also be subject to penalties under Section 609.43 Misconduct of Public Officer or Employee, which provides that if any of the following is done, for which no other sentence is specifically provided by law, the individual may be sentenced to imprisonment for not more than 364 days, or to payment of a fine of not more than \$3,000, or both:~~

~~(1) intentionally failing or refusing to perform a known mandatory, nondiscretionary, ministerial duty of the office or employment within the time or in the manner required by law;~~

~~(2) in the capacity of such officer or employee, doing an act knowing it is in excess of lawful authority or knowing it is forbidden by law to be done in that capacity; under pretense or color of official authority, intentionally and unlawfully injuring another in the other's person, property, or rights; or~~

~~(3) in the capacity of such officer or employee, making a return, certificate, official report, or other like document knowing it is false in any material respect.~~

Amend Minnesota Statutes 260.69, subd. 1 to read:

Subdivision 1. Applicability. The commissioner of children, youth, and families must collaborate with the Children's Justice Initiative to ensure that cultural competency training is given to individuals working in the child welfare system, including child welfare workers and supervisors. Training must also be made available to attorneys, guardians ad litem, juvenile court judges, and family law judges.

Amend Laws 2024, chapter 117, section 21, to read:

Sec. 21. MINNESOTA AFRICAN AMERICAN FAMILY PRESERVATION AND CHILD WELFARE DISPROPORTIONALITY ACT; WORKING GROUP.

(a) The commissioner of human services must establish a working group to provide guidance and oversight for the Minnesota African American Family Preservation and Child Welfare Disproportionality Act phase-in program.

(b) The members of the working group must include representatives from the Minnesota Association of County Social Service Administrators, the Association of Minnesota Counties, the Minnesota Inter-County Association, the Minnesota County Attorneys Association, Hennepin County, Ramsey County, the Department of Human Services Children, Youth, and Families, and community organizations with experience in child welfare. The legislature may provide recommendations to the commissioner on the selection of the representatives from the community organizations.

(c) The working group must provide oversight of the phase-in program and evaluate the cost of the phase-in program. The working group must also assess future costs of implementing the Minnesota African American Family Preservation and Child Welfare Disproportionality Act statewide.

(d) By January 1, 2026, the working group must develop and submit an interim report to the chairs and ranking minority members of the legislative committees with jurisdiction over child welfare detailing initial needs for the implementation of the Minnesota African American Family Preservation and Child Welfare Disproportionality Act. The interim report must also include recommendations for any statutory or policy changes necessary to implement the act.

(e) By September 1, 2026, the working group must develop an implementation plan and best practices for the Minnesota African American Family Preservation and Child Welfare Disproportionality Act to go into effect statewide.

EFFECTIVE DATE. This section is effective July 1, 2024.

APPENDIX D: ACTIVE EFFORTS

"Active efforts" means a rigorous and concerted level of effort that the responsible social services agency must continuously make throughout its involvement with an African American or disproportionately represented child and the child's family. Active efforts are centered on preserving the child's family and must go beyond reasonable efforts to ensure meaningful engagement, culturally responsive practice, and sustained support.

To provide active efforts, the responsible social services agency must:

1. Continuously involve the child's family in all services, including case planning, selecting services and providers, and ensuring the family is fully informed of the right to file a report of noncompliance with this act through the commissioner's child welfare compliance and feedback portal.
2. Engage at a higher level of commitment by:
 - a. Helping families navigate complex systems by translating government jargon, problem-solving alongside them, and reducing barriers (including making calls on their behalf to decrease anxiety);
 - b. Coaching families on building partnerships within systems; and
 - c. Consistently circling back to review participation and progress and continuing genuine problem-solving when challenges arise.
3. Prioritize family preservation as a central safety measure, rather than focusing solely on safety in a way that defaults to child removal.
4. Ensure culturally responsive services by prioritizing culturally sensitive supports. When optimal services are unavailable or inaccessible, the agency must partner with the family to seek alternative methods to address the needs of the child and family.
5. Engage kin and relatives on an ongoing basis, revisiting both maternal and paternal relatives throughout the out-of-home care journey to encourage placement options. The agency must actively assist kin or relatives in becoming placement providers by offering practical support, resources, and guidance that align with kin/relative values and needs.

6. Provide post-reunification follow-up and support by sustaining services after reunification to strengthen family stability, address ongoing needs, and reduce the risk of re-entry into the system.
7. Ensure full documentation of all efforts to demonstrate accountability, transparency, and consistency in supporting families.

When providing active efforts, the responsible social services agency should always consider the family's social and cultural values. Active efforts include continuous action to preserve the family and prevent out-of-home placement. If placement becomes necessary, the agency must continue active efforts to reunify the child with the family as soon as possible.

Active efforts set a higher standard than reasonable efforts by requiring the agency to prioritize family preservation, prevent unnecessary out-of-home placement, and reunify the child with the child's family. Active efforts also include the reasonable efforts required under Title IV-E of the Social Security Act, United States Code, title 42, sections 670 to 679c.

(Outline informed by the work of local agency Village Arms and the landscape report on active efforts developed by DeYoung Consulting, which includes insights from South Dakota and Montana.)

APPENDIX E: LOW SOCIOECONOMIC STATUS



Minnesota African American and Family Preservation and Child Welfare Disproportionality Act (MAAFPCWDA)

Strategic decisions

Effective date:
Last revised date: 09/30/2025

Summary – Defining low-Income disproportionality

Low-income status among families in child welfare will be assessed with the following categories:

Tier 1: Household income in the past 12 months less than 100% of the federal poverty guidelines¹

Tier 2: Household income in the past 12 months between 100% and 199% of the federal poverty guidelines

Tier 3: Household income in the past 12 months between 200% and 299% of the federal poverty guidelines

Not low-income: 300% of the federal poverty guidelines and above.

Families will be shown the income ranges for their household size and be asked to select which one corresponds to the incomes of all related family members that have lived together² in the past 12 months, including:

- Income/wages
- Self-employment income
- Public assistance
- SSI
- Disability income
- Retirement income
- VA payments
- Unemployment compensation
- Child support

- Alimony.

The proportion of children with low-income status in Minnesota will be determined by the census federal poverty thresholds.

Reason for the decision

This will allow the department to identify potentially distinct disproportionalities at each of these three tiers of low-income socioeconomic status while reducing the burden of data collection on case workers and minimizing intrusiveness for families.

Applicability

For the purposes of:

- Determining “disproportionately represented child” for MAAFCWDA
- Determining eligibility for MAAFCWDA through family self-report
- Measuring child welfare outcomes by low-income socioeconomic status for MAAFCWDA requirements.

Details of the decision

Timeline example:

January 2027 – December 2027: Case workers collect data from families on low-income tiers, based on the 2027 federal Health and Human Services Federal Poverty Guidelines.

January 2028: The department uses 2027 SSIS data and 2026 census population estimates to establish disproportionality for low-income tiers and implements eligibility for low-income families.

Discussion

Supportive considerations

We do not systematically collect data in SSIS about household income for all children in the child welfare system.

- Children in out-of-home care have more detailed demographic information than the broader child welfare population. Still, there are not existing data to determine disproportionality in the child welfare system, so the department must choose a new way to collect these data to meet MAAFCWDA requirements.
- Income information recorded for eligibility in other state programs is only available for some families, so that approach would not be an accurate measurement of low-income for all families.

A similar process of using household size and income-to-federal-poverty-level ratios is common practice for determining eligibility for social programs.

- For example, Minnesota's Medical Assistance eligibility ranges from 100% federal poverty guidelines (elderly, blind, disabled) to 283% (infants under age 2).³

Ease and accuracy of determining "low-income socioeconomic status" with statewide data.

- These recommended categories can be produced in the same way at the statewide level for all children in Minnesota using the American Community Survey, which makes it possible to determine disproportionality.
- The cutoffs that are the most easily/publicly available are: 50%, 75%, 100%, 125%, 150%, 175%, 185%, 200%, 300%, 400%, 500%.
- The Minnesota State Demographic Center can produce other cutoffs by request.

Ease of determining "low-income socioeconomic status" by case workers.

- Asking families to identify which range their annual household income falls in will reduce the burden on case workers of calculating and verifying exact dollar amounts and allow families to preserve some financial privacy.

Including families above the more traditional 200% federal poverty guidelines who may experience a benefits cliff.

- A slight increase in income – if it puts families above an income limit they were previously below – can lead to the loss of a large amount of benefits. Being inclusive of families up to 300% of the federal poverty guidelines can capture some of those families.

Oppositional considerations

Creating a new measure for low-income socioeconomic status means that the department will not be able to determine whether low-income families are disproportionately represented until:

- This process is built in SSIS (approximately one year after we request the change)
- Case workers are trained to implement this measure
- Data is collected for a long enough period to have an accurate measure of low-income in Minnesota's child welfare system (approximately one year after SSIS changes and implementation)
- Disproportionality is determined for each tier
- Workers begin screening for income-based eligibility

Data quality issue with not recording the exact dollar amount of annual household income.

- The American Community Survey, which the department will compare with its SSIS data to determine disproportionality, asks each participant individually to report exact dollar amounts in the last 12 months separately for each of the income streams.

- The income ranges within the three tiers of low-income are still quite large, which leaves open the possibility of differences in disproportionality within each range.
- Collecting poverty ratio ranges that don't map onto other eligibility thresholds will make it difficult to do data quality checks or compare the child protection population with other low-income populations receiving services.

The federal poverty thresholds in the census and the Health and Human Services federal poverty guidelines are related but separate measures.⁴

- The federal poverty thresholds in the census produce estimates of poverty for different subgroups of the population *after the year is over*. The process of collecting income information involves self-reported income from a provided list of sources.
- The Health and Human Services federal poverty guidelines are increased slightly from the previous year's census estimates to capture the *current* state of the economy more accurately.
- The process of collecting income information often includes verification of financial documents.
- Proposed solution: Use the federal Health and Human Services guidelines in real time to capture household income from families, while using the census method of self-reporting income, as well as census thresholds after they are released, to determine disproportionality for the following year.

Relevant considerations that may be outside the scope of this recommendation

This has the potential to be a challenging conversation for case workers to have with families.

- Focus groups with impacted families could engage them in what would be the least threatening way to ask these questions.
- The department and advocacy groups will need to help families understand why they are being asked about their economic information.
- Families may not be willing to disclose this information, in which case the department must decide whether they can still be eligible for MAAFCWDA.
- Are families able to legally decline to provide this information without penalty?
- Whether or not families want to share that information may depend on how they perceive the provisions of the act as beneficial to them or not.

Recommendation to do data quality checks about family self-reported income with validated income provided by state services such as SNAP.

Roles & Responsibilities

These details will be included in the business case request to SSIS.

Who made the decision?

8/11/2025 - **Family Preservation Committee** initial recommendation [Shani Greene, Erin Klumper, Amanda Lager, Naomi Thyden, Stacey Timm, Rebecca Wilcox]

8/18/2025 - **CSP Research Team** consulted

8/18/2025 - **Statewide Work Group** consulted

8/27/2025 - **Committee Liaisons** approved [Jessica Brogger, Devon Gilchrist, Shani Greene, Brittany Lochner, Sarah Shepherd, Rebecca Wilcox]

9/17/2025 - **Research and Evaluation Team, Economic Assistance and Employment Supports Division** consulted [Mike Maloy, Hannah Lamb, Kristin Boelcke-Stennes, Elizabeth Borchert, Alex Cruze, Dori Nikolla]

9/24/2025 - **Family Preservation Committee** approved [Shani Greene, Crystal Hedemann, Erin Klumper, Amanda Lager, Nikki McComb, Diana Pimentel, Randi Trotterchaude, Naomi Thyden, Rebecca Wilcox]

9/30/2025 - **MAAFPCWDA Steering Committee** consulted [Sarah Shepherd, Rebecca St. George, Tracy Crudo, Ashley Aguy, Jennifer Droneck, Devon Gilchrist, Shani Greene, Kathleen Hiniker, Brittany Lochner, Heidi Ombisa Skallet, Windy Ross, Michelle Seymore]

Date of decision

Pending approval

Related information

Sec 3. Subd. 10. Disproportionately represented child. "Disproportionately represented child" means a person who is under the age of 18 and who is a member of a community whose race, culture, ethnicity, disability status, or low-income socioeconomic status is disproportionately encountered, engaged, or identified in the child welfare system as compared to the representation in the state's total child population, as determined on an annual basis by the commissioner. A child's race, culture, or ethnicity is determined based upon a child's self-identification or identification of a child's race, culture, or ethnicity as reported by the child's parent or guardian.

Sec. 16. DIRECTION TO COMMISSIONER OF HUMAN SERVICES; DISAGGREGATE DATA.

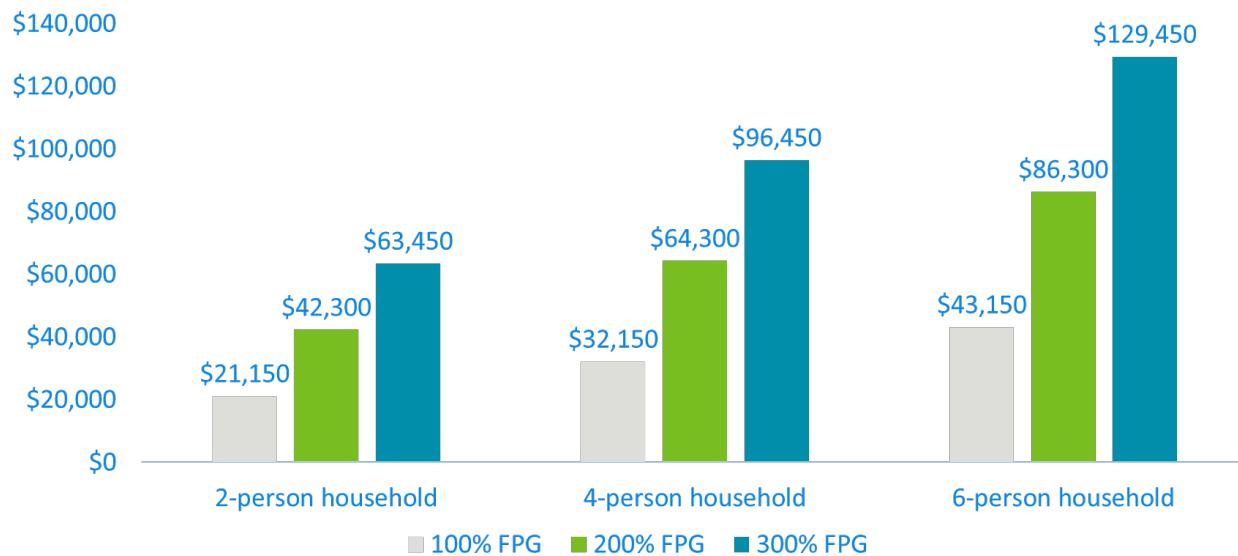
The commissioner of human services must establish a process to improve the disaggregation of data to monitor child welfare outcomes for African American and other disproportionately represented children in the child welfare system. The commissioner must begin disaggregating data by January 1, 2027.

References

- Social Security Programs in the United States - Appendix V: Poverty Guidelines
[https://www.ssa.gov/policy/docs/progdesc/sspus/appenv.html#:~:text=The%20poverty%20guidelines%2C%20which%20are,the%20nearest%20multiple%20of%20\\$20\).&text=For%20family%20units%20with%20more,Alaska;%20and%20\\$3%2C130%20in%20Hawaii](https://www.ssa.gov/policy/docs/progdesc/sspus/appenv.html#:~:text=The%20poverty%20guidelines%2C%20which%20are,the%20nearest%20multiple%20of%20$20).&text=For%20family%20units%20with%20more,Alaska;%20and%20$3%2C130%20in%20Hawaii)

- U.S Census Bureau “How the Census measures poverty” page last revised April 9, 2025. <https://www.census.gov/topics/income-poverty/poverty/guidance/poverty-measures.html>
- Minnesota Department of Human Services, Insurance Affordability Programs (IAPs) Income and Asset Guidelines <https://edocs.dhs.state.mn.us/lfservr/Public/DHS-3461A-ENG>
- Assistant Secretary for Planning and Evaluation (ASPE), U.S. Department of Health and Human Services, “Frequently Asked Questions Related to the Poverty Guidelines and Poverty” accessed September 2025 <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines/frequently-asked-questions-related-poverty-guidelines-poverty>

2025 Federal Poverty Guidelines, Annual Household Income, Examples by Household Size



U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation 2025 Federal Poverty Guidelines

<https://aspe.hhs.gov/sites/default/files/documents/dd73d4f00d8a819d10b2fdb70d254f7b/detailed-guidelines-2025.pdf>

APPENDIX F: RACE CATEGORY & DISAGGREGATION



Minnesota African American and Family Preservation and Child Welfare Disproportionality Act (MAAFPCWDA)

Strategic decisions

Last revised date: 07/25/2025

Effective date: 7/25/2025

Summary – Racial categories

Race should be reported in the following categories (*changes from current practice indicated in red and strikethrough*):

- Black/African American (alone ~~or in combination with other race groups~~)
- Asian (alone ~~or in combination with other race groups~~)
- American Indian/Alaska Native (alone ~~or in combination with other race groups~~)
- White (alone)
- ~~Two or more races~~

Hispanic/Latinx should be reported in the following categories (*no change*):

- Hispanic/Latinx (any race)
- Non-Hispanic/Latinx (any race)

Reason for the decision

Removing the “two or more races” category and categorizing multiracial children by race-specific groups will enable state and local agencies, the legislature, and external partners to better understand and address the unique needs of these groups.

Applicability

For purposes of:

- Determining “Disproportionately represented child” for MAAFPCWDA
- Determining eligibility for MAAFPCWDA
- Measuring child welfare outcomes by race for MAAFPCWDA requirements.

Discussion

Supportive considerations

Social Service Information System (SSIS) considerations

- This does not require any changes to how we collect race/ethnicity data in SSIS.
- SSIS currently collects as many races as are reported, and the analysis practice has been to combine those with multiple races reported into “two or more races.”

Being responsive to criticism about the “two or more races” category

- This recommendation removes “two or more races” as a racial category that the department analyzes and reports for MAAFPCWDA purposes.
- Internal and external MAAFPCWDA partners have consistently raised this category as problematic.
- One problem with the “two or more races” category is that it lumps together a wide variety of children into one category, and in doing so, can mask disparities in specific racial groups.
- As a best practice, it is recommended not to analyze and report multiracial as a catchall category for people who report more than one race. (Thyden, 2025)

Sample size/privacy considerations

- Because county-level reporting is common, there are concerns about creating additional race categories that would be even smaller than the ones the department currently uses. This recommendation addresses that concern by broadening existing racial categories to include applicable multiracial children.

Determining “disproportionately represented child” with statewide data

- These recommended categories can be produced in the same way at the statewide level for all children in MN using the American Community Survey, which makes it possible to determine disproportionality.
- The current categories including “two or more races” can also be produced for the total state child population, but more specific categories of multiracial identities probably cannot be; for example, “White and Asian.”

MAAFPCWDA eligibility implications

- This recommendation does not affect MAAFPCWDA eligibility for any multiracial African American/Black, American Indian/Alaska Native or Hispanic children.

- This recommendation removes around 250 biracial Asian/Pacific Islander and White children per year from eligibility because they previously fell under the overrepresented category of “two or more races,” while the category of “Asian/Pacific Islander alone or in combination” is not overrepresented.

Table 1: Child protection involvement in Minnesota in 2023, by current and recommended measures of race

	Number of children in child protection (SSIS)		Percent of all children in Minnesota (U.S. Census)		Percent of children in child protection (SSIS)		Rate of child protection per 1000 children (SSIS and U.S. Census)	
	Old race categories	New race categories	Old race categories	New race categories	Old race categories	New race categories	Old race categories	New race categories
White (alone)	14,803	14,803	73.0%	73.0%	48.4%	48.4%	15.6	15.6
Two or more races	5,940	NA	6.1%	NA	19.4%	NA	74.7	NA
Asian/Pacific Islander	797	1,182	7.0%	9.9%	2.6%	3.9%	8.8	9.2
American Indian/Alaska Native	2,363	6,354	2.2%	3.9%	7.7%	20.8%	83.1	124.6
African American/Black	5,052	8,234	11.8%	16.7%	16.5%	26.9%	33	37.8
Unknown or missing race	1,636	1,636	*	*	5.3%	5.3%	*	*
Total	30,591	32,209	100.0%	103.6%	100.0%	105.3%	23.5	23.5

- Bolded numbers are the race categories that are overrepresented in child protection compared to the statewide population.
- “Current” columns contain monoracial children only in each racial category. “Recommended” columns define Asian/Pacific Islander, American Indian/Alaska Native, and African American/Black as any single race or multiracial children who report that race.
- *can't calculate a race-specific rate without a race.
- White alone or in combination (which is not used in current or recommended measures) rate is 17.3 per 1000.
- Child protection involvement means that a child was named as an alleged victim in a screened-in child maltreatment report, and the assessment or investigation was completed. A child entered into SSIS more than once is only counted once.
- Source: Social Service Information System (SSIS) accessed September 2024, and 2023 American Community Survey population estimates.

Table 2: Child protection involvement in Minnesota in 2023, by Hispanic/Latinx ethnicity

	Number of children in child protection (SSIS)	Percent of all children in Minnesota (U.S. Census)	Percent of children in child protection (SSIS)	Rate of child protection per 1,000 children (SSIS and Census)
Hispanic/Latinx (any race)	3,826	10.0%	12.50%	29.3
Total	30,591	100.0%	100.0%	23.5

- Source: Social Service Information System (SSIS) accessed September 2024, and 2023 American Community Survey population estimates.

Oppositional considerations

Not mutually exclusive categories

- The sum of children across racial categories is more than 100% of the child protection population because multiracial children can be categorized as more than one of the following: Asian/Pacific Islander, American Indian/Alaska Native, African American/Black.
- Possible criticism about exaggerating disproportionalities
 - Solution: Be sure to communicate that when the department changes the way it classifies race in child protection, it also changes the way it classifies race at the statewide level to match it.
- For accounting purposes, the department will have to confirm that children are not counted multiple times.
- There is concern by internal staff and external partners that the department has not run this recommendation by anyone with expertise in Hispanic/Latinx communities.

Data for comparisons across time and across jurisdictions

- Changing race categorizations can make historical trends hard to interpret.
 - Solution: Consider producing numbers in both ways for this purpose.
- For comparison to other jurisdictions, the department should ensure that Minnesota produces comparable racial data.

Relevant considerations that may be outside the scope of this recommendation

Collecting race/ethnicity data from families:

- How do workers currently collect race/ethnicity? Are there best practices for how to do that? This could include reluctance to report sensitive data to the government.
- Do current racial/ethnic categories available in SSIS reflect how families want to identify?
- How can we reduce missingness in racial/ethnic data?
- Approximately 20% of children missing a race are Hispanic/Latinx
- More recent African immigrants may not identify as Black/African American.

Possible changes to racial/ethnic categories we collect in the future (route to MAAFPCWDA Research Consultant)

- Consider including categories for Indigenous children from South and Central America, Canada and other countries
- Consider data privacy concerns for collecting data on smaller groups of people
- Middle Eastern/North African missing as a race category that the American Community Survey will use in 2027 Census (U.S. Census 2025).

Reporting race/ethnicity data (route to Child Safety and Permanency Research Team)

- Ensure federal reporting is still in compliance with racial categories

- Ensure none of this supersedes Indian Child Welfare Act (ICWA)/Minnesota Indian Family Preservation Act (MIFPA) eligibility, and that ICWA-eligible children are not counted under MAAFPCWDA eligibility but are still counted in disproportionality measures.

Who made the decision?

6/23/2025 - CSP Research Team approved (Gillian Burling, Naomi Thyden, Lauren Whaley, Yousif Al-Hajiby, Abigail Latham, Amber Forrester)

6/25/2025 - African American Child and Family Well-being Unit approved (Shaneaka Younger, Susan McPherson, Judy Williams, Devon Gilchrist, Shani Greene, Jamie Hackett, Shyna Greaves, Kiya Shafer)

6/27/2025 - Data Action Team discussed (Harvey Linder, Kurt Mortenson, Nicole Curphy, Lolita Davis Carter, DCYF: Ashley Aguy, Gillian Burling, Sarah Shepherd, Erica Jepson)

7/18/2025 - MAAFPCWDA Implementation Team discussed, will vote on finalized version next week (Ashley Aguy, Brittany Lochner, Jessica Brogger, Jessica Fisherman, Shani Green, Reanna Jacobs, Kia Moua, Heidi Ombisa Skallet, Andrew Richter, Michelle Seymore, Naomi Thyden, Sarah Shepherd, Rebecca St. George, Stacey Timm)

Date of decision

7/25/2025 – Approved by DCYF MAAFPCWDA Implementation Team

- Ashley Aguy, MAAFPCWDA implementation coordinator
- Jessica Brogger, child placement policy specialist
- Gillian Burling, research and change management supervisor, Child Safety and Permanency
- Jessica Fisherman, Northstar Quality Assurance program representative
- Shani Greene, lead policy/practice consultant, African American Child and Family Well-being Unit
- Erin Klumper, child safety consultant
- Brittany Lochner, CQI case review supervisor, Child Safety and Permanency
- Kia Moua, project manager
- Heidi Ombisa Skallet, legislative and policy coordinator, Child Safety and Permanency
- Andrew Richter, communications coordinator, Child Safety and Permanency
- Michelle Seymore, director of Foster Care and Permanency
- Sarah Shepherd, project manager, MAAFPCWDA
- Naomi Thyden, research consultant, MAAFPCWDA
- Rebecca St. George, assistant commissioner, Child Safety and Permanency

Related Information

Sec. 3 Subd. 9. Disproportionality. "Disproportionality" means the overrepresentation of African American children and other disproportionately represented children in Minnesota's child welfare system population as compared to the representation of those children in Minnesota's total child population.

Sec 3. Subd. 10. Disproportionately represented child. "Disproportionately represented child" means a person who is under the age of 18 and who is a member of a community whose race, culture, ethnicity, disability status,

or low-income socioeconomic status is disproportionately encountered, engaged, or identified in the child welfare system as compared to the representation in the state's total child population, as determined on an annual basis by the commissioner. A child's race, culture, or ethnicity is determined based upon a child's self-identification or identification of a child's race, culture, or ethnicity as reported by the child's parent or guardian.

References

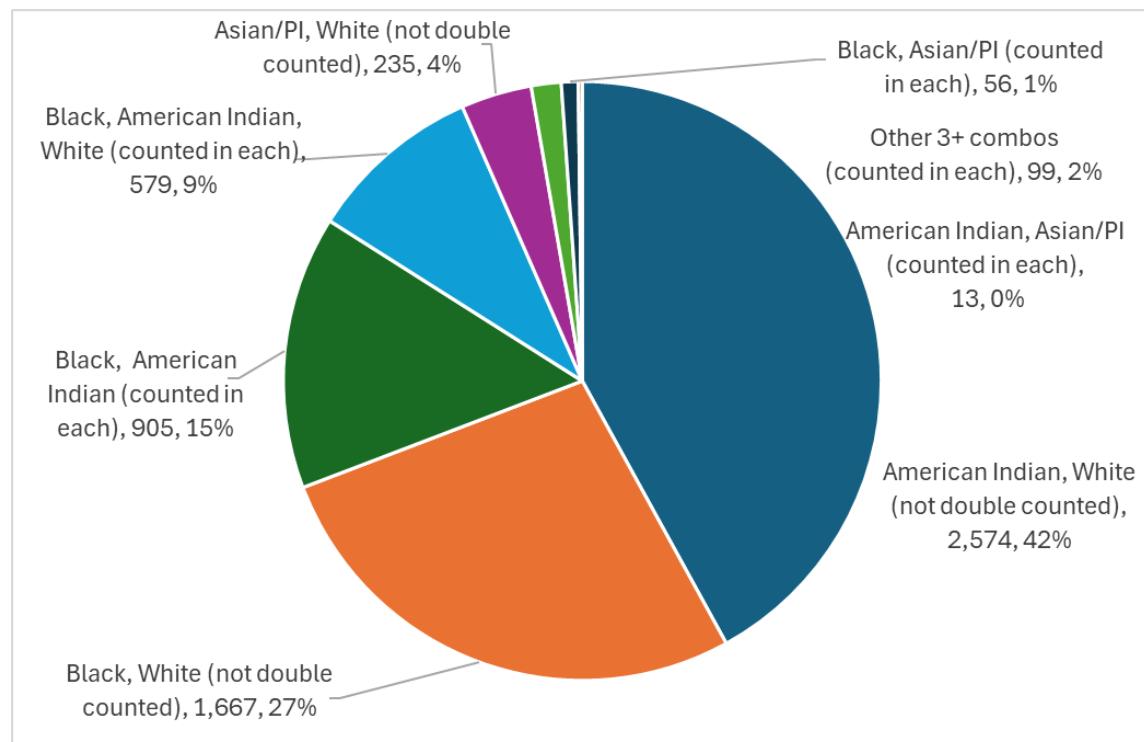
Naomi Harada Thyden, Insufficient sample size or insufficient attention to marginalized populations? A practical guide to moving observational research forward, *American Journal of Epidemiology*, Volume 194, Issue 5, May 2025, Pages 1179–1181, <https://doi.org/10.1093/aje/kwae483>

Free link to article (remove before disseminating more widely):

https://academic.oup.com/aje/article/194/5/1179/7942383?utm_source=authortollfreelink&utm_campaign=aj&utm_medium=email&guestAccessKey=3fe74d91-7261-4eee-96ab-33fe45099dae

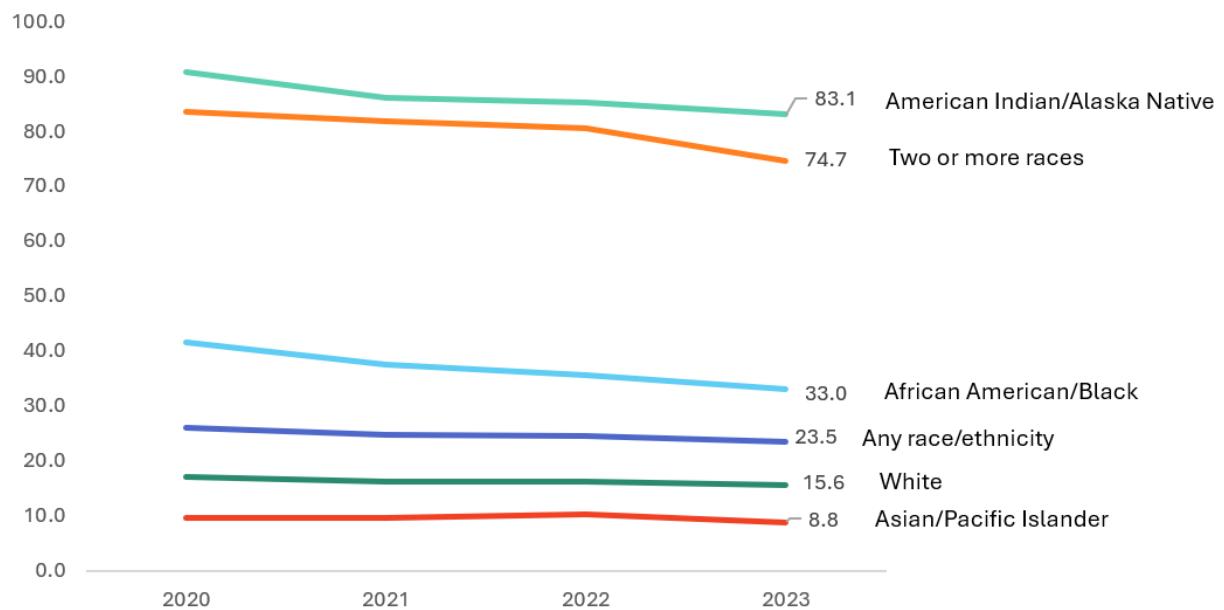
U.S. Census, Updates to Race/Ethnicity Standards for Our Nation <https://www.census.gov/about/our-research/race-ethnicity/standards-updates.html> , Accessed 7/8/2025

Multiracial children with child protection involvement in Minnesota, 2023, by combination of races



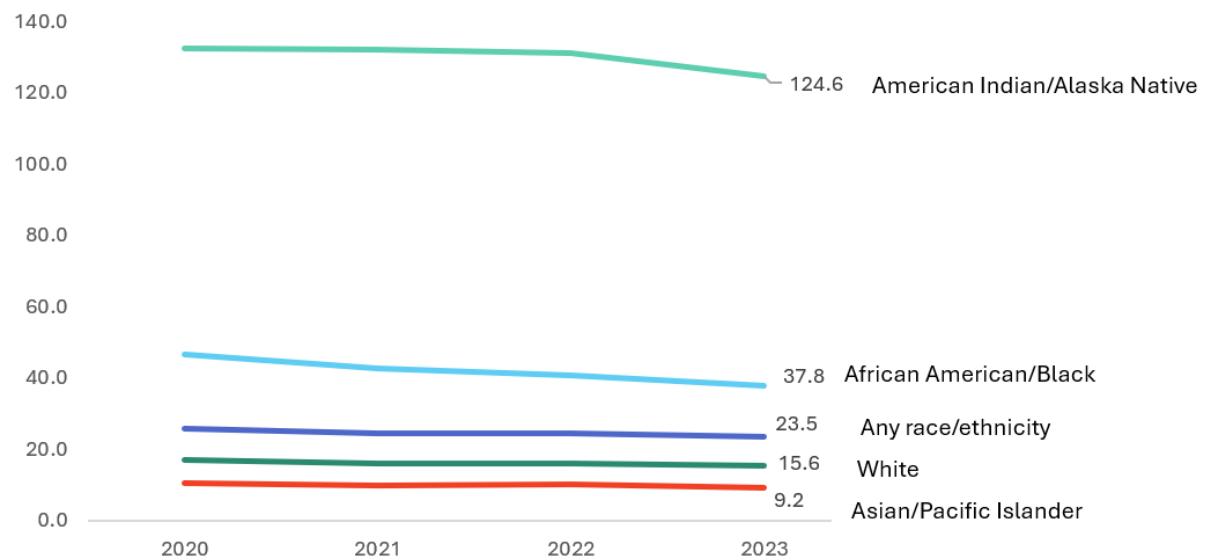
Race combinations (counted in each, not double-counted), number of children and percentage of multiracial children. Note: Multiracial children make up about 20% of all children in child protection in Minnesota.

Child Protection Involvement rate per 1,000, **current** race categories



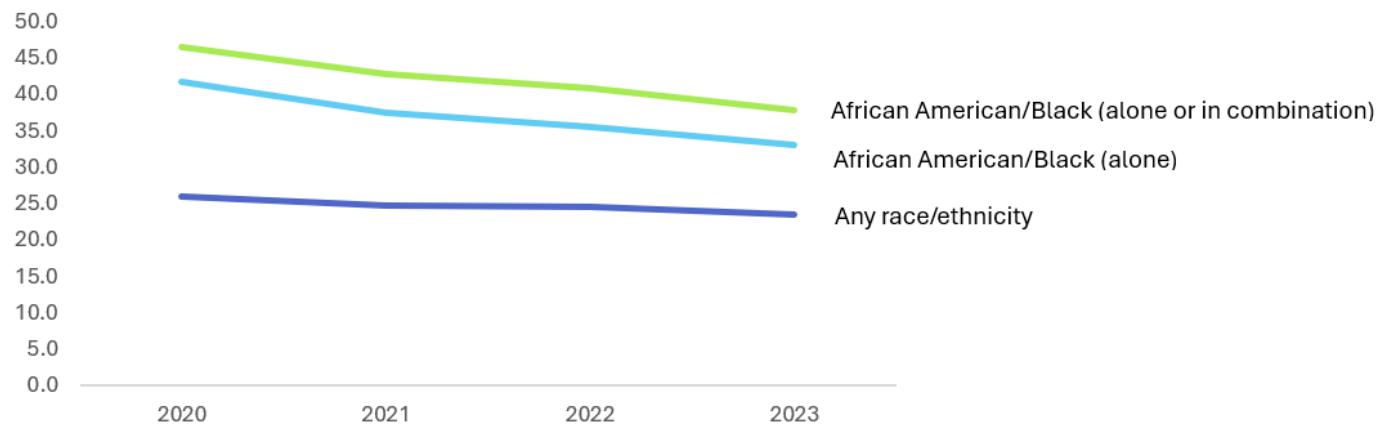
Source: Minnesota's Social Service Information System (SSIS), accessed September 2024

Child protection involvement rate per 1,000, **recommended** race categories



Source: Minnesota's Social Service Information System (SSIS), accessed September 2024

Child protection involvement rate per 1,000 among African American/Black children



Child protection involvement rate per 1,000 among American Indian/Alaska Native children

