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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 3626

03/12/2018 Authored by Bennett, Moran, Kresha, Nash, Slocum and others
The bill was read for the first time and referred to the Committee on Health and Human Services Reform

1.1 A bill for an act
1.2 relating to human services; establishing a foster care sibling bill of rights; proposing
1.3 coding for new law in Minnesota Statutes, chapter 260C.

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

1.5 Section 1. 260C.008 FOSTER CARE SIBLING BILL OF RIGHTS.

1.6 Subdivision 1. Statement of rights. (a) Children placed in foster care who are siblings
1.7 have the right to:

1.8 (1) be placed in foster care homes with their siblings, when possible and when it is in
1.9 the best interest of each sibling, in order to sustain family relationships;

1.10 (2) be placed in close geographical distance to their siblings, if placement together is
1.11 not possible, to facilitate frequent and meaningful contact;

1.12 (3) have frequent contact with their siblings in foster care and, whenever possible, with
1.13 their siblings who are not in foster care, unless the responsible social services agency has
1.14 documented that contact is not in the best interest of any sibling. Contact includes, but is
1.15 not limited to, telephone calls, text messaging, social media and other Internet use, and
1.16 video calls;

1.17 (4) annually receive a telephone number, address, and e-mail address for all siblings in
1.18 foster care, and receive updated photographs of siblings regularly, by regular mail or e-mail;

1.19 (5) participate in regular face-to-face visits with their siblings in foster care and, whenever
1.20 possible, with their siblings who are not in foster care. Participation in these visits shall not
1.21 be withheld or restricted as a consequence for behavior, and shall only be restricted if the
1.22 responsible social services agency documents that the visits are contrary to the safety or

2.1 well-being of any sibling. Social workers, parents, foster care providers, and older children  
2.2 must cooperate to ensure regular visits and must coordinate dates, times, transportation, and  
2.3 other accommodations as necessary. The timing and regularity of visits shall be outlined in  
2.4 each sibling's service plan, based on the individual circumstances and needs of each child.  
2.5 A social worker need not give explicit permission for each visit or possible overnight visit,  
2.6 but foster care providers shall communicate with social workers about these visits;

2.7 (6) be actively involved in each other's lives and share celebrations, if they choose to  
2.8 do so, including but not limited to birthdays, holidays, graduations, school and extracurricular  
2.9 activities, cultural customs in the siblings' native language, and other milestones;

2.10 (7) have information about their contact and visits with their siblings reviewed in each  
2.11 hearing before a judge;

2.12 (8) be promptly informed about changes in sibling placements or circumstances, including  
2.13 but not limited to new placements, discharge from placements, significant life events, and  
2.14 discharge from foster care;

2.15 (9) be included in permanency planning decisions for siblings, if appropriate; and

2.16 (10) be informed of the expectations for and possibility of continued contact with a  
2.17 sibling after an adoption or transfer of permanent physical and legal custody to a relative.

2.18 (b) Adult siblings of children in foster care shall have the right to be considered as foster  
2.19 care providers and relative custodians for their siblings, if they choose to do so.

2.20 Subd. 2. **Interpretation.** The rights under this section are established for the benefit of  
2.21 siblings in foster care. This statement of rights does not replace or diminish other rights,  
2.22 liberties, and responsibilities that may exist relative to children in foster care, adult siblings  
2.23 of children in foster care, foster care providers, parents, or responsible social services  
2.24 agencies.

2.25 Subd. 3. **Disclosure.** A copy of these rights must be provided to a child who has siblings  
2.26 at the time the child enters foster care, to any adult siblings of a child entering foster care,  
2.27 if known, and to the foster care provider, in a format specified by the commissioner of  
2.28 human services. The copy shall contain the address and telephone number of the Office of  
2.29 Ombudsman for Families and a brief statement describing how to file a complaint with the  
2.30 office.

2.31 **EFFECTIVE DATE.** This section is effective for children entering foster care on or  
2.32 after August 1, 2018. Subdivision 3 is effective retroactively from August 1, 2018, for all  
2.33 children in foster care.