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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. **3901**

03/02/2026 Authored by Johnson, W.; Hanson, J., and Hicks
The bill was read for the first time and referred to the Committee on Children and Families Finance and Policy
03/23/2026 Adoption of Report: Amended and re-referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act
1.2 relating to children; adding investigative powers to the Office of the Foster Youth
1.3 Ombudsperson; modifying regulations on foster placements; amending Minnesota
1.4 Statutes 2024, sections 13.876, subdivisions 2, 3; 260C.82, subdivisions 1, 2, 4,
1.5 5, 7.

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

1.7 Section 1. Minnesota Statutes 2024, section 13.876, subdivision 2, is amended to read:

1.8 Subd. 2. **Confidential data.** Data contained within an active investigative file maintained
1.9 by the ombudsperson are classified as:

1.10 (1) confidential data, pursuant to section 13.02, subdivision 3, for data on individuals;
1.11 and

1.12 (2) protected nonpublic data, pursuant to section 13.02, subdivision 13, for data not on
1.13 individuals.

1.14 Sec. 2. Minnesota Statutes 2024, section 13.876, subdivision 3, is amended to read:

1.15 Subd. 3. **Access to data.** The foster youth ombudsperson has access to juvenile placement
1.16 and medical data as provided under section 260C.82, subdivision ~~6~~ 7.

1.17 Sec. 3. Minnesota Statutes 2024, section 260C.82, subdivision 1, is amended to read:

1.18 Subdivision 1. ~~Agency Definitions.~~ (a) For the purposes of this section, the terms in
1.19 this subdivision have the meanings given.

1.20 ~~For purposes of this section,~~ (b) "Agency" means the divisions, officials, or employees
1.21 of the Minnesota Department of Children, Youth, and Families; any Minnesota agency that

2.1 licenses the placement of a foster youth, including the Department of Corrections and the
2.2 Department of Human Services; the responsible social services agency; or a licensed
2.3 child-placing agency.

2.4 (c) "Placement" means the institution, facility, or residence that is licensed or otherwise
2.5 authorized to house, treat, or care for a foster youth.

2.6 (d) "Placement manager" means a controlling individual as defined in section 142B.01,
2.7 subdivision 8; owner; or agent of a placement who has the authority or ability to care for,
2.8 regulate, or manage a foster youth when the foster youth is at the placement.

2.9 Sec. 4. Minnesota Statutes 2024, section 260C.82, subdivision 2, is amended to read:

2.10 Subd. 2. **Powers.** (a) The foster youth ombudsperson may:

2.11 (1) establish a complaint process, including how a person may make a complaint and
2.12 how the ombudsperson may review and act upon the complaint;

2.13 (2) determine the scope and manner of the ombudsperson's and staff's investigations;

2.14 (3) make conclusions, recommendations, and proposals to the governor or to the
2.15 legislature, provided that the governor or legislature may request and receive information
2.16 from the ombudsperson at any time;

2.17 (4) investigate, upon a complaint or upon ~~personal~~ initiative of the ombudsperson's
2.18 office, any action of an agency, including a request from a youth in foster care to examine
2.19 the physical placement where the child resides placement manager, parent, guardian, or
2.20 custodian;

2.21 (5) pursuant to an investigation under clause (4), enter and inspect without notice any
2.22 institution, facility, or residence, public or private, where a foster youth is residing, including
2.23 areas for recreation, treatment, discipline, or other activities;

2.24 ~~(5) request and (6) be given direct access to information from an agency that is the~~
2.25 ombudsperson deems necessary for performing the ombudsperson's responsibilities;

2.26 (7) directly access the social services information system;

2.27 ~~(6)~~ (8) subpoena any person to appear, give testimony, or produce documents or other
2.28 evidence that the ombudsperson considers relevant to a matter under inquiry and may petition
2.29 a state district court to seek enforcement of a subpoena. Any witness at a hearing or before
2.30 an investigation has the same privileges reserved to a witness in the courts or under the laws
2.31 of this state; and

3.1 ~~(7)~~ (9) be present at court hearings, conferences, meetings, and deliberations when a
3.2 youth in foster care requests the ombudsperson's presence.

3.3 (b) Neither the ombudsperson nor any member of the ombudsperson's staff shall be
3.4 compelled to testify or to produce evidence in any judicial or administrative proceeding
3.5 with respect to any matter involving the exercise of the ombudsperson's official duties.

3.6 Sec. 5. Minnesota Statutes 2024, section 260C.82, subdivision 4, is amended to read:

3.7 Subd. 4. **Complaints.** (a) The ombudsperson may receive a complaint from any source
3.8 concerning the health, safety, violation of rights, or welfare of a youth in foster care. The
3.9 ombudsperson may, at the request of another or on the ombudsperson's own initiative,
3.10 investigate any action of an agency ~~or a family foster home, custodian, placement manager,~~
3.11 parent, guardian, or facility licensed by the state, including a residential treatment facility
3.12 ~~and secured detention facility custodian.~~ The ombudsperson may exercise powers without
3.13 regard to the finality of any action. The ombudsperson may require a complainant to pursue
3.14 other remedies or channels of complaint open to the complainant before accepting or
3.15 investigating a complaint. After completing the investigation of a complaint, the
3.16 ombudsperson ~~shall~~ may inform the complainant, the agency, and any person who is the
3.17 subject of the investigation of the action taken.

3.18 (b) A ~~facility or family foster home~~ placement manager, parent, guardian, or custodian
3.19 must immediately forward to the ombudsperson any communication, including a letter or
3.20 email, addressed to or intended for the ombudsperson from a person in the facility or family
3.21 foster home. The ~~facility or family foster home~~ placement manager, parent, guardian, or
3.22 custodian must not open any ~~letter~~ communication addressed to or intended for the
3.23 ombudsperson from a person at the facility or foster home. A ~~facility or family foster home~~
3.24 An agency, placement manager, parent, guardian, or custodian must deliver any mail or
3.25 forward any email from the ombudsperson ~~to a person in the facility or family foster home~~
3.26 immediately after ~~the facility or family foster home receives~~ receiving the mail or email.

3.27 (c) The ombudsperson or ombudsperson's staff may conduct private meetings, video
3.28 calls, or phone calls with a foster youth. The meeting must be outside the hearing of another
3.29 person unless approved by the ombudsperson or ombudsperson's staff.

3.30 (d) A ~~facility or family foster home~~ placement manager, parent, guardian, or custodian
3.31 must not punish a person for making a complaint to the ombudsperson. A ~~facility or family~~
3.32 ~~foster home~~ and must not unfavorably alter the conditions of a person's placement, supports,
3.33 or services received as a consequence for making a complaint to the ombudsperson.

4.1 Sec. 6. Minnesota Statutes 2024, section 260C.82, subdivision 5, is amended to read:

4.2 Subd. 5. **Recommendations.** (a) If the ombudsperson considers a complaint to be valid,
4.3 the ombudsperson may recommend that an agency or a judicial officer:

4.4 (1) consider the matter further;

4.5 (2) modify or cancel the agency's or judicial officer's actions;

4.6 (3) change a ruling or explain an action; or

4.7 (4) take any other step that the ombudsperson recommends to provide direction or require
4.8 action by a facility, placement, or custodian providing a residence to the complainant.

4.9 (b) If the ombudsperson considers a complaint to be valid, the ombudsperson may
4.10 recommend that the guardian ad litem consider the matter further or take any other action
4.11 in the foster youth's best interest.

4.12 ~~(b)~~ (c) If the ombudsperson requests, the agency shall, within the time that the
4.13 ombudsperson specifies, inform the ombudsperson about the action taken based on the
4.14 ombudsperson's recommendations or the reasons for not complying with the ombudsperson's
4.15 recommendations. If the ombudsperson has the reason to believe that any person, including
4.16 a public official, has acted in a manner warranting criminal or disciplinary proceedings, the
4.17 ombudsperson may refer the matter to the appropriate authorities. If the ombudsperson
4.18 believes that an action upon which a valid complaint is founded had a statutory basis, and
4.19 that the statute produced results or effects that were unfair or otherwise objectionable, the
4.20 ombudsperson shall bring to the attention of the governor and the legislature the
4.21 ombudsperson's view concerning desirable statutory change.

4.22 Sec. 7. Minnesota Statutes 2024, section 260C.82, subdivision 7, is amended to read:

4.23 Subd. 7. **Data.** (a) Notwithstanding the classification of data under chapter 13 or any
4.24 other law to the contrary, when access to data is necessary for the ombudsperson to perform
4.25 the ombudsperson's duties under sections 260C.80 to 260C.82, state district courts may and
4.26 administrative agencies must provide the foster youth ombudsperson with:

4.27 (1) access to juvenile court data;

4.28 (2) foster care placement data, ~~and~~;

4.29 (3) medical data maintained by an agency ~~and~~ that is classified as private data on
4.30 individuals or confidential data on individuals ~~when access to the data is necessary for the~~
4.31 ombudsperson to perform the ombudsperson's duties under sections 260C.80 to 260C.82;
4.32 and

- 5.1 (4) any other data pertinent to an investigation by the ombudsperson.
- 5.2 (b) Upon request of the ombudsperson, a placement must provide any data or information
- 5.3 to the ombudsperson to the extent the placement is required to provide data or information
- 5.4 to the placement's licensing agency.