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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. 4407

03/16/2026 Authored by Gillman; Harder; Rymer; Anderson, P. E.; Dotseth and others
The bill was read for the first time and referred to the Committee on Children and Families Finance and Policy

A bill for an act

relating to children, youth, and families; modifying the Minnesota African American Family Preservation and Child Welfare Disproportionality Act; amending Minnesota Statutes 2024, sections 257.0762, subdivision 1; 260.63, subdivisions 2, 10; 260.64, subdivision 1; 260.67, subdivision 1; Minnesota Statutes 2025 Supplement, sections 260.65; 260.66, subdivision 1; 260C.329, subdivision 3; Laws 2024, chapter 117, sections 2; 3; 4; 5; 6; 7; 8; 9; 10; 14; 15; 16; 18; 19; 20; 21; repealing Laws 2024, chapter 117, section 17.

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

Section 1. Minnesota Statutes 2024, section 257.0762, subdivision 1, is amended to read:

Subdivision 1. **Duties.** (a) Each ombudsperson shall monitor agency compliance with all laws governing child protection and placement, as they impact on children of color. In particular, the ombudsperson shall monitor agency compliance with sections ~~260C.215;~~ 260.61 to 260.693; 260.751 to 260.835; ~~and~~ 260C.193, subdivision 3; and 260C.215.

(b) The ombudsperson shall work with local state courts to ensure that:

(1) court officials, public policy makers, and service providers are trained in cultural diversity. The ombudsperson shall document and monitor court activities in order to heighten awareness of diverse belief systems and family relationships;

(2) experts from the appropriate community of color including tribal advocates are used as court advocates and are consulted in placement decisions that involve children of color;

(3) guardians ad litem and other individuals from communities of color are recruited, trained, and used in court proceedings to advocate on behalf of children of color; and

(4) training programs for bilingual workers are provided.

Sec. 2. Minnesota Statutes 2024, section 260.63, subdivision 2, is amended to read:

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 <u>if reunification is in the best interests of the child and if the child's family is making active efforts to engage with and participate in visitation, safety planning, and other activities necessary to create a safe home</u>. 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.

Sec. 3. Minnesota Statutes 2024, section 260.63, subdivision 10, is amended to read:

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. <u>The commissioner must determine who is a</u>

disproportionately represented child for purposes of sections 260.61 to 260.693 every three years, beginning January 1, 2028.

Sec. 4. Minnesota Statutes 2024, section 260.64, subdivision 1, is amended to read:

Subdivision 1. **Active efforts.** (a) 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 if reunification is in the best interests of the child and if the child's family is making active efforts to engage with and participate in visitation, safety planning, and other activities necessary to create a safe home.

(b) A responsible social services agency must continue to make active efforts for the duration of a child's case when a child self-identifies as an African American or a disproportionately represented child, even if the child's identification changes.

(c) A responsible social services agency must make reasonable efforts to communicate with a child's family and foster or kinship caregiver prior to and during reunification and allow for a transition period when reunifying the child with the child's family when possible and in the best interests of the child.

Sec. 5. Minnesota Statutes 2025 Supplement, section 260.65, is amended to read:

260.65 NONCUSTODIAL PARENTS; RELATIVE AND COMMUNITY 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 the child into 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 ordered into the home of a noncustodial or nonadjudicated parent.

(c) The relative search, notice, engagement, and placement consideration requirements under section 260C.221 apply under this act.

(d) If a relative or noncustodial parent is not willing or able to provide daily care for the child, the responsible social services agency must also consider foster care placement with individuals in the African American or disproportionately represented child's existing community, including the child's school or church or other organizations in which the child participates or is a member.

Sec. 6. Minnesota Statutes 2025 Supplement, section 260.66, subdivision 1, is amended to read:

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 or the emergency placement of the child in a foster setting in order to prevent imminent physical damage or harm to the child. There is a rebuttable presumption that a child is at risk of imminent physical damage or harm when synthetic opioids are present in the child's home without a valid prescription.

Sec. 7. Minnesota Statutes 2024, section 260.67, subdivision 1, is amended to read:

Subdivision 1. **Preference for permanency placement with a relative.** (a) Except as provided in paragraph (b), 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.

(b) Paragraph (a) does not apply if an African American or disproportionately represented child is under the guardianship of the commissioner, the responsible social services agency is making reasonable efforts to finalize the child's adoption pursuant to section 260C.605, and a prospective adoptive parent has been identified.

Sec. 8. Minnesota Statutes 2025 Supplement, section 260C.329, subdivision 3, is amended to read:

Subd. 3. **Petition.** (a) The following individuals may file a petition for the reestablishment of the legal parent and child relationship:

(1) county attorney;

(2) a parent whose parental rights were terminated under a previous order of the court;

(3) a parent whose voluntary consent to adoption was accepted by the court and:

(i) the identified prospective adoptive parent did not finalize the adoption; or

(ii) the adoption finalized but subsequently dissolved and the child returned to foster care and guardianship of the commissioner;

~~(4) a child who is ten years of age or older;~~

~~(5)~~ (4) the responsible social services agency; or

~~(6)~~ (5) a guardian ad litem.

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

(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;

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

(4) the child is not currently adopted; and

(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.

Sec. 9. Laws 2024, chapter 117, section 2, the effective date, is amended to read:

EFFECTIVE DATE. This section is effective January 1, ~~2027~~ 2028, except as provided under section 20.

Sec. 10. Laws 2024, chapter 117, section 3, the effective date, is amended to read:

EFFECTIVE DATE. This section is effective January 1, ~~2027~~ 2028, except as provided under section 20.

Sec. 11. Laws 2024, chapter 117, section 4, the effective date, is amended to read:

EFFECTIVE DATE. This section is effective January 1, ~~2027~~ 2028, except as provided under section 20.

Sec. 12. Laws 2024, chapter 117, section 5, the effective date, is amended to read:

EFFECTIVE DATE. This section is effective January 1, ~~2027~~ 2028, except as provided under section 20.

Sec. 13. Laws 2024, chapter 117, section 6, the effective date, is amended to read:

EFFECTIVE DATE. This section is effective January 1, ~~2027~~ 2028, except as provided under section 20.

Sec. 14. Laws 2024, chapter 117, section 7, the effective date, is amended to read:

EFFECTIVE DATE. This section is effective January 1, ~~2027~~ 2028, except as provided under section 20.

Sec. 15. Laws 2024, chapter 117, section 8, the effective date, is amended to read:

EFFECTIVE DATE. This section is effective January 1, ~~2027~~ 2028, except as provided under section 20.

Sec. 16. Laws 2024, chapter 117, section 9, the effective date, is amended to read:

EFFECTIVE DATE. This section is effective January 1, ~~2027~~ 2028, except as provided under section 20.

Sec. 17. Laws 2024, chapter 117, section 10, the effective date, is amended to read:

EFFECTIVE DATE. This section is effective January 1, ~~2027~~ 2028, except as provided under section 20.

Sec. 18. Laws 2024, chapter 117, section 14, the effective date, is amended to read:

EFFECTIVE DATE. This section is effective January 1, ~~2027~~ 2028, except as provided under section 20.

Sec. 19. Laws 2024, chapter 117, section 15, the effective date, is amended to read:

EFFECTIVE DATE. This section is effective January 1, ~~2027~~ 2028, except as provided under section 20.

Sec. 20. Laws 2024, chapter 117, section 16, is amended to read:

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~~ 2028.

Sec. 21. Laws 2024, chapter 117, section 16, the effective date, is amended to read:

EFFECTIVE DATE. This section is effective January 1, ~~2027~~ 2028.

Sec. 22. Laws 2024, chapter 117, section 18, the effective date, is amended to read:

EFFECTIVE DATE. This section is effective January 1, ~~2027~~ 2028, except as provided under section 20.

Sec. 23. Laws 2024, chapter 117, section 19, is amended to read:

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

(a) By January 1, ~~2026~~ 2027, 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~~ 2027, 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.

Sec. 24. Laws 2024, chapter 117, section 20, is amended to read:

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~~ 2028.

Sec. 25. Laws 2024, chapter 117, section 21, is amended 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, 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~~ 2027, 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.

Sec. 26. **REPEALER.**

Laws 2024, chapter 117, section 17, is repealed.

Laws 2024, chapter 117, section 17

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.