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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3671

02/13/2024 Authored by Pinto and Feist The bill was read for the first time and referred to the Committee on Children and Families Finance and Policy

1.1 A bill for an act
1.2 relating to child protection; modifying the definition of a child in need of protection
1.3 or services; amending Minnesota Statutes 2022, section 260C.007, subdivision 6.

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

1.5 Section 1. Minnesota Statutes 2022, section 260C.007, subdivision 6, is amended to read:

1.6 Subd. 6. Child in need of protection or services. "Child in need of protection or
1.7 services" means a child who is in need of protection or services because the child:

1.8 (1) is abandoned or without parent, guardian, or custodian;

1.9 (2)(i) has been a victim of physical or sexual abuse as defined in section 260E.03,
1.10 subdivision 18 or 20, (ii) resides with or has resided with a victim of child abuse as defined
1.11 in subdivision 5 or domestic child abuse as defined in subdivision 13, (iii) resides with or
1.12 would reside with a perpetrator of domestic child abuse as defined in subdivision 13 or child
1.13 abuse as defined in subdivision 5 or 13, or (iv) is a victim of emotional maltreatment as
1.14 defined in subdivision 15;

1.15 (3) is without necessary food, clothing, shelter, education, or other required care for the
1.16 child's physical or mental health or morals because the child's parent, guardian, or custodian
1.17 is unable or unwilling to provide that care;

1.18 (4) is without the special care made necessary by a physical, mental, or emotional
1.19 condition because the child's parent, guardian, or custodian is unable or unwilling to provide
1.20 that care;

1.21 (5) is medically neglected, which includes, but is not limited to, the withholding of
1.22 medically indicated treatment from an infant with a disability with a life-threatening

2.1 condition. The term "withholding of medically indicated treatment" means the failure to  
2.2 respond to the infant's life-threatening conditions by providing treatment, including  
2.3 appropriate nutrition, hydration, and medication which, in the treating physician's, advanced  
2.4 practice registered nurse's, or physician assistant's reasonable medical judgment, will be  
2.5 most likely to be effective in ameliorating or correcting all conditions, except that the term  
2.6 does not include the failure to provide treatment other than appropriate nutrition, hydration,  
2.7 or medication to an infant when, in the treating physician's, advanced practice registered  
2.8 nurse's, or physician assistant's reasonable medical judgment:

2.9 (i) the infant is chronically and irreversibly comatose;

2.10 (ii) the provision of the treatment would merely prolong dying, not be effective in  
2.11 ameliorating or correcting all of the infant's life-threatening conditions, or otherwise be  
2.12 futile in terms of the survival of the infant; or

2.13 (iii) the provision of the treatment would be virtually futile in terms of the survival of  
2.14 the infant and the treatment itself under the circumstances would be inhumane;

2.15 (6) is one whose parent, guardian, or other custodian for good cause desires to be relieved  
2.16 of the child's care and custody, including a child who entered foster care under a voluntary  
2.17 placement agreement between the parent and the responsible social services agency under  
2.18 section 260C.227;

2.19 (7) has been placed for adoption or care in violation of law;

2.20 (8) is without proper parental care because of the emotional, mental, or physical disability,  
2.21 or state of immaturity of the child's parent, guardian, or other custodian;

2.22 (9) is one whose behavior, condition, or environment is such as to be injurious or  
2.23 dangerous to the child or others. An injurious or dangerous environment may include, but  
2.24 is not limited to, the exposure of a child to criminal activity in the child's home;

2.25 (10) is experiencing growth delays, which may be referred to as failure to thrive, that  
2.26 have been diagnosed by a physician and are due to parental neglect;

2.27 (11) is a sexually exploited youth;

2.28 (12) has committed a delinquent act or a juvenile petty offense before becoming ~~ten~~ 13  
2.29 years old;

2.30 (13) is a runaway;

2.31 (14) is a habitual truant;

3.1 (15) has been found incompetent to proceed or has been found not guilty by reason of  
3.2 mental illness or mental deficiency in connection with a delinquency proceeding, a  
3.3 certification under section 260B.125, an extended jurisdiction juvenile prosecution, or a  
3.4 proceeding involving a juvenile petty offense; or

3.5 (16) has a parent whose parental rights to one or more other children were involuntarily  
3.6 terminated or whose custodial rights to another child have been involuntarily transferred to  
3.7 a relative and there is a case plan prepared by the responsible social services agency  
3.8 documenting a compelling reason why filing the termination of parental rights petition under  
3.9 section 260C.503, subdivision 2, is not in the best interests of the child.