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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 912

01/26/2023 Authored by Agbaje, Richardson, Clardy, Noor, Hussein and others
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 human services; establishing the Minnesota African American Family
1.3 Preservation Act; establishing the African American Child Welfare Council;
1.4 modifying child welfare provisions; requiring reports; appropriating money;
1.5 amending Minnesota Statutes 2022, section 260C.329, subdivisions 3, 8; proposing
1.6 coding for new law in Minnesota Statutes, chapter 260.

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

1.8 Section 1. [260.61] CITATION.

1.9 Sections 260.61 to 260.695 may be cited as the "Minnesota African American Family
1.10 Preservation Act."

1.11 Sec. 2. [260.62] PURPOSES.

1.12 (a) The purposes of the Minnesota African American Family Preservation Act are to:

1.13 (1) protect the best interests of African American children;

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

1.17 (3) improve permanency outcomes, including family reunification, for African American
1.18 children.

1.19 (b) Nothing in this legislation is intended to interfere with the protections of the Indian
1.20 Child Welfare Act of 1978, United States Code, title 25, sections 1901 to 1963.

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

2.2 Subdivision 1. **Scope.** The definitions in this section apply to sections 260.61 to 260.695.

2.3 Subd. 2. **Active efforts.** "Active efforts" means a rigorous and concerted level of effort  
2.4 that the responsible social services agency must continuously make throughout the time  
2.5 that the responsible social services agency is involved with an African American child and  
2.6 the child's family. To provide active efforts to preserve an African American child's family,  
2.7 the responsible social services agency must continuously involve an African American  
2.8 family and the African American Welfare Oversight Council in all services for the family,  
2.9 including case planning and choosing services and providers, and inform the family of the  
2.10 ability to request a case review by the commissioner under section 260.694. When providing  
2.11 active efforts, a responsible social services agency must consider an African American  
2.12 family's social and cultural values at all times while providing services to an African  
2.13 American child and family. Active efforts includes continuous efforts to preserve an African  
2.14 American child's family and to prevent the out-of-home placement of an African American  
2.15 child. If an African American child enters out-of-home placement, the responsible social  
2.16 services agency must make active efforts to reunify the African American child with the  
2.17 child's family as soon as possible. Active efforts sets a higher standard for the responsible  
2.18 social services agency than reasonable efforts to preserve the child's family, prevent the  
2.19 child's out-of-home placement, and reunify the child with the child's family. Active efforts  
2.20 includes the provision of reasonable efforts as required by Title IV-E of the Social Security  
2.21 Act, United States Code, title 42, sections 670 to 679c.

2.22 Subd. 3. **Adoptive placement.** "Adoptive placement" means the permanent placement  
2.23 of an African American child made by the responsible social services agency upon a fully  
2.24 executed adoption placement agreement, including the signatures of the adopting parent,  
2.25 the responsible social services agency, and the commissioner of human services according  
2.26 to section 260C.613, subdivision 1.

2.27 Subd. 4. **African American child.** "African American child" means a child having  
2.28 origins in Africa, including a child of two or more races who has at least one parent with  
2.29 origins in Africa.

2.30 Subd. 5. **Best interests of the African American child.** The "best interests of the African  
2.31 American child" means providing a culturally informed practice lens that acknowledges,  
2.32 utilizes, and embraces the African American child's community and cultural norms and  
2.33 allows the child to remain safely at home with the child's family. The best interests of the

3.1 African American child supports the child's sense of belonging to the child's family, extended  
3.2 family, kin, and cultural community.

3.3 Subd. 6. **Child placement proceeding.** (a) "Child placement proceeding" means any  
3.4 judicial proceeding that could result in:

3.5 (1) an adoptive placement;

3.6 (2) a foster care placement;

3.7 (3) a preadoptive placement; or

3.8 (4) a termination of parental rights.

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

3.11 (1) an act which if committed by an adult would be deemed a crime; or

3.12 (2) an award of child custody in a divorce proceeding to one of the child's parents.

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

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

3.20 Subd. 9. **Disproportionality.** "Disproportionality" means the overrepresentation of  
3.21 African American children in the state's child welfare system population as compared to  
3.22 the number of African American children in the state's total child population.

3.23 Subd. 10. **Egregious harm.** "Egregious harm" has the meaning given in section 260E.03,  
3.24 subdivision 5.

3.25 Subd. 11. **Foster care placement.** "Foster care placement" means the court-ordered  
3.26 removal of an African American child from the child's home with the child's parent or legal  
3.27 custodian and the temporary placement of the child in a foster home, in shelter care or a  
3.28 facility, or in the home of a guardian, when the parent or legal custodian cannot have the  
3.29 child returned upon demand, but the parent's parental rights have not been terminated. A  
3.30 foster care placement includes an order placing the child under the guardianship of the  
3.31 commissioner, pursuant to section 260C.325, prior to an adoption being finalized.

4.1 Subd. 12. **Responsible social services agency.** "Responsible social services agency"  
4.2 has the meaning given in section 260C.007, subdivision 27a.

4.3 Subd. 13. **Parent.** "Parent" means the biological parent of an African American child  
4.4 or any person who has legally adopted an African American child who, prior to the adoption,  
4.5 was considered a relative to the child, as defined in subdivision 16. Parent includes an  
4.6 unmarried father whose paternity has been acknowledged or established and a putative  
4.7 father. Paternity has been acknowledged when an unmarried father takes any action to hold  
4.8 himself out as the biological father of a child.

4.9 Subd. 14. **Preadoptive placement.** "Preadoptive placement" means a responsible social  
4.10 services agency's placement of an African American child with the child's family or kin  
4.11 when the child is under the guardianship of the commissioner, for the purpose of adoption,  
4.12 but an adoptive placement agreement for the child has not been fully executed.

4.13 Subd. 15. **Relative.** "Relative" means:

4.14 (1) an individual related to the child by blood, marriage, or adoption;

4.15 (2) a legal parent, guardian, or custodian of the child's sibling;

4.16 (3) an individual who is an important friend of the child or child's family with whom  
4.17 the child has resided or has had significant contact; or

4.18 (4) an individual who the child or the child's family identify as related to the child's  
4.19 family.

4.20 Subd. 16. **Safety network.** "Safety network" means a group of individuals identified by  
4.21 the parent and child, when appropriate, that is accountable for developing, implementing,  
4.22 sustaining, supporting, or improving a safety plan to protect the safety and well-being of a  
4.23 child.

4.24 Subd. 17. **Sexual abuse.** "Sexual abuse" has the meaning given in section 260E.03,  
4.25 subdivision 20.

4.26 Subd. 18. **Termination of parental rights.** "Termination of parental rights" means an  
4.27 action resulting in the termination of the parent-child relationship under section 260C.301.

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

4.30 (a) A responsible social services agency shall make active efforts to prevent the  
4.31 out-of-home placement of an African American child, eliminate the need for a child's removal

5.1 from the child's home, and reunify an African American child with the child's family as  
5.2 soon as practicable.

5.3 (b) Prior to petitioning the court to remove an African American child from the child's  
5.4 home, a responsible social services agency must work with the child's family to allow the  
5.5 child to remain in the child's home while implementing a safety plan based on the family's  
5.6 needs. The responsible social services agency must make active efforts to engage the child's  
5.7 parent or custodian and the child, when appropriate; establish a safety network for the family;  
5.8 and provide support, guidance, and input to assist the family and the family's safety network  
5.9 with developing the safety plan. The safety plan must:

5.10 (1) address the specific allegations impacting the child's safety in the home;

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

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

5.14 The responsible social services agency is not required to establish a safety plan in a case  
5.15 with allegations of sexual abuse or egregious harm.

5.16 (c) Unless the court finds by clear and convincing evidence that the child's health or  
5.17 welfare would be immediately endangered if the child were to remain in the child's home,  
5.18 a court shall not order a foster care or permanent out-of-home placement of an African  
5.19 American child alleged to be in need of protection or services. At each hearing regarding  
5.20 an African American child who is alleged or adjudicated to be in need of child protective  
5.21 services, the court shall review whether the responsible social services agency has provided  
5.22 active efforts to the child and the child's family and shall require the responsible social  
5.23 services agency to provide evidence and documentation that demonstrates that the agency  
5.24 is providing culturally informed, strength-based, community-involved, and community-based  
5.25 services to the child and the child's family.

5.26 (d) When determining whether the responsible social services agency has made active  
5.27 efforts to preserve the child's family, the court shall make findings regarding whether the  
5.28 responsible social services agency made appropriate and meaningful services available to  
5.29 the child's family based upon the family's specific needs. If a court determines that the  
5.30 responsible social services agency did not make active efforts to preserve the family as  
5.31 required by this section, the court shall order the responsible social services agency to  
5.32 immediately provide active efforts to the child and child's family to preserve the family.

6.1        Sec. 5. [260.65] NONCUSTODIAL PARENTS; TEMPORARY OUT-OF-HOME  
6.2        PLACEMENT.

6.3        (a) Prior to or within 48 hours of the removal of a African American child from the  
6.4        child's home, the responsible social services agency must make active efforts to identify  
6.5        and locate the child's noncustodial or nonadjudicated parent and the child's relatives to notify  
6.6        the child's parent and relatives that the child is, or will be, placed in foster care, and provide  
6.7        the child's parent and relatives with a list of legal resources. The notice to the child's  
6.8        noncustodial or nonadjudicated parent and relatives must also include the information  
6.9        required under section 260C.221, paragraph (b). The responsible social services agency  
6.10       must maintain detailed records of the agency's efforts to notify parents and relatives under  
6.11       this section.

6.12       (b) Notwithstanding the provisions of section 260C.219, the responsible social services  
6.13       agency must assess an African American child's noncustodial or nonadjudicated parent's  
6.14       ability to care for the child before placing the child in foster care. If a child's noncustodial  
6.15       or nonadjudicated parent is willing and able to provide daily care for the African American  
6.16       child temporarily or permanently, the court shall order that the child be placed in the home  
6.17       of the noncustodial or nonadjudicated parent pursuant to section 260C.178 or 260C.201,  
6.18       subdivision 1. The responsible social services agency must make active efforts to assist a  
6.19       noncustodial or nonadjudicated parent with remedying any issues that may prevent the child  
6.20       from being placed with the noncustodial or nonadjudicated parent.

6.21       (c) If an African American child's noncustodial or nonadjudicated parent is unwilling  
6.22       or unable to provide daily care for the child and the court has determined that the child's  
6.23       continued placement in the home of the child's noncustodial or nonadjudicated parent would  
6.24       endanger the child's health, safety, or welfare, the child's parent, custodian, or the child,  
6.25       when appropriate, has the right to select one or more relatives who may be willing and able  
6.26       to temporary care for the child. The responsible social services agency must place the child  
6.27       with a selected relative after assessing the relative's willingness and ability to provide daily  
6.28       care for the child. If selected relatives are not available or there is a documented safety  
6.29       concern with the relative placement, the responsible social services agency shall consider  
6.30       additional relatives for the child's placement.

6.31       (d) The responsible social services agency must inform selected relatives and the child's  
6.32       parent or custodian of the difference between informal kinship care arrangements and  
6.33       court-ordered foster care. If a selected relative and the child's parent or custodian request  
6.34       an informal kinship care arrangement for a child's placement instead of court-ordered foster  
6.35       care and such an arrangement will maintain the child's safety and well-being, the responsible

7.1 social services agency shall comply with the request and inform the court of the plan for  
 7.2 the child. The court shall honor the request to forego a court-ordered foster care placement  
 7.3 of the child in favor of an informal kinship care arrangement, unless the court determines  
 7.4 that the request is not in the best interests of the African American child.

7.5 (e) The responsible social services agency must make active efforts to support relatives  
 7.6 with whom a child is placed in completing the child foster care licensure process and  
 7.7 addressing barriers, disqualifications, or other issues affecting the relatives' licensure,  
 7.8 including but not limited to assisting relatives with requesting reconsideration of a  
 7.9 disqualification under section 245C.21.

7.10 (f) The decision by a relative not be considered as an African American child's foster  
 7.11 care or temporary placement option shall not be a basis for the responsible social services  
 7.12 agency or the court to rule out the relative for placement in the future or for denying the  
 7.13 relative's request to be considered or selected as a foster care or permanent placement of  
 7.14 the child.

7.15 **Sec. 6. [260.66] EMERGENCY REMOVAL HEARING.**

7.16 Notwithstanding section 260C.163, subdivision 3, and the provisions of Minnesota Rules  
 7.17 of Juvenile Protection Procedure, rule 25, a parent or custodian of an African American  
 7.18 child who is subject to an emergency protective care hearing pursuant to section 260C.178  
 7.19 and Minnesota Rules of Juvenile Protection Procedure, rule 30, must be represented by  
 7.20 counsel. The court must appoint qualified counsel to represent a parent if the parent meets  
 7.21 the eligibility requirements in section 611.17.

7.22 **Sec. 7. [260.67] TRANSFER OF PERMANENT LEGAL AND PHYSICAL**  
 7.23 **CUSTODY; TERMINATION OF PARENTAL RIGHTS; CHILD PLACEMENT**  
 7.24 **PROCEEDINGS.**

7.25 Subdivision 1. **Preference for transfer of permanent legal and physical custody.** If  
 7.26 an African American child cannot be returned to the child's parent, the court shall, if possible,  
 7.27 transfer permanent legal and physical custody of the child to:

7.28 (1) a noncustodial parent under section 260C.515, subdivision 4, if the child cannot  
 7.29 return to the care of the parent or custodian from whom the child was removed or who had  
 7.30 legal custody at the time that the child was placed in foster care; or

7.31 (2) a willing and able relative, according to the requirements of section 260C.515,  
 7.32 subdivision 4, if the responsible social services agency and the court determine that

8.1 reunification with the child's family and adoption are not appropriate permanency options  
8.2 for the child. Prior to the court ordering a transfer of permanent legal and physical custody  
8.3 to a relative who is not a parent, the responsible social services agency must inform the  
8.4 relative of Northstar kinship assistance benefits and eligibility requirements, and of the  
8.5 relative's ability to apply for benefits on behalf of the child under chapter 256N.

8.6 Subd. 2. **Termination of parental rights restrictions.** (a) A court shall not terminate  
8.7 the parental rights of a parent of an African American child based solely on the parent's  
8.8 failure to complete case plan requirements.

8.9 (b) A court shall not terminate the parental rights of a parent of an African American  
8.10 child in a child placement proceeding unless the allegations against the parent involve sexual  
8.11 abuse; egregious harm as defined in section 260C.007, subdivision 14; murder in the first,  
8.12 second, or third degree under section 609.185, 609.19, or 609.195; murder of an unborn  
8.13 child in the first, second, or third degree under section 609.2661, 609.2662, or 609.2663;  
8.14 manslaughter in the first or second degree under section 609.20 or 609.205; manslaughter  
8.15 of an unborn child in the first or second degree under section 609.2664 or 609.2665; assault  
8.16 in the first, second, or third degree under section 609.221, 609.222, or 609.223; domestic  
8.17 assault by strangulation under section 609.2247; felony domestic assault under section  
8.18 609.2242 or 609.2243; kidnapping under section 609.25; solicitation, inducement, and  
8.19 promotion of prostitution under section 609.322; criminal sexual conduct under sections  
8.20 609.342 to 609.3451; engaging in, hiring, or agreeing to hire a minor to engage in prostitution  
8.21 under section 609.324, subdivision 1; solicitation of children to engage in sexual conduct  
8.22 under section 609.352; possession of pornographic work involving minors under section  
8.23 617.247; malicious punishment or neglect or endangerment of a child under section 609.377  
8.24 or 609.378; use of a minor in sexual performance under section 617.246; or failing to protect  
8.25 a child from an overt act or condition that constitutes egregious harm.

8.26 (c) Nothing in this subdivision precludes the court from terminating the parental rights  
8.27 of a parent of an African American child who for good cause desires to voluntarily terminate  
8.28 parental rights of the parent's child under section 260C.301, subdivision 1, paragraph (a).

8.29 Subd. 3. **Appeals.** Notwithstanding the Minnesota Rules of Juvenile Protection Procedure,  
8.30 rule 47.02, subdivision 2, a parent of an African American child whose parental rights have  
8.31 been terminated may appeal the decision within 60 days of the service of notice by the court  
8.32 administrator of the filing of the court's order.

9.1 Sec. 8. **[260.68] RESPONSIBLE SOCIAL SERVICES AGENCY CONDUCT AND**  
9.2 **CASE REVIEW.**

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

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

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

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

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

9.13 **Subd. 2. Commissioner notification.** (a) When a responsible social services agency  
9.14 makes a maltreatment determination involving an African American child or places an  
9.15 African American child in a foster care placement, the agency shall, within seven days of  
9.16 making a maltreatment determination or initiating the child's foster care placement, notify  
9.17 the commissioner of the maltreatment determination or foster care placement and of the  
9.18 steps that the agency has taken to investigate and remedy the conditions that led to the  
9.19 maltreatment determination or foster care placement. Upon receiving this notice, the  
9.20 commissioner shall review the responsible social services agency's handling of the child's  
9.21 case to ensure that the case plan and services address the unique needs of the child and the  
9.22 child's family and that the agency is making active efforts to reunify and preserve the child's  
9.23 family. At all stages of a case involving an African American child, the responsible social  
9.24 services agency shall, upon request, fully cooperate with the commissioner and the African  
9.25 American Child Welfare Oversight Council and, as appropriate and as permitted under  
9.26 statute, provide access to all relevant case files.

9.27 (b) In any adoptive or preadoptive placement proceeding involving an African American  
9.28 child under the guardianship of the commissioner, the responsible social services agency  
9.29 shall notify the commissioner of the pending proceeding and of the right of intervention.  
9.30 The notice must include the identity of the child and the child's parents whose parental rights  
9.31 were terminated or who consented to the child's adoption. Upon receipt of the notice, the  
9.32 commissioner shall review the case to ensure that the requirements of this act have been  
9.33 met. When the responsible social services agency has identified a nonrelative as an African  
9.34 American child's adoptive placement, no preadoptive or adoptive placement proceeding

10.1 may be held until at least 30 days after the commissioner receives the required notice or  
10.2 until an adoption home study can be completed for a relative adoption, whichever occurs  
10.3 first. If the commissioner requests additional time to prepare for the proceeding, the district  
10.4 court must grant the commissioner up to 30 additional days to prepare for the proceeding.  
10.5 In cases in which a responsible social services agency or party to a preadoptive or adoptive  
10.6 placement knows or has reason to believe that a child is or may be African American, proof  
10.7 of service upon the commissioner must be filed with the adoption petition.

10.8 Subd. 3. **Case review.** (a) Each responsible social services agency shall conduct a review  
10.9 of all child protection cases handled by the agency every 24 months, after establishing a  
10.10 2023 baseline. The responsible social services agency shall report the agency's findings to  
10.11 the county board, related child welfare committees, the Children's Justice Initiative team,  
10.12 the African American Child Welfare Oversight Council, the commissioner, and community  
10.13 stakeholders within six months of gathering the relevant case data. For situations in which  
10.14 the case review consists of fewer than five cases, the responsible social services agency  
10.15 must only report the case data to the African American Child Welfare Oversight Council.  
10.16 The case review must include:

10.17 (1) the number of African American children represented in the county child welfare  
10.18 system;

10.19 (2) the number and sources of maltreatment reports received and reports screened in for  
10.20 investigation or referred for family assessment and the race of the children and parents or  
10.21 custodians involved in each report;

10.22 (3) the number and race of children and parents or custodians who receive in-home  
10.23 preventive case management services;

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

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

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

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

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

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

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

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

11.6 (b) The required case review must also:

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

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

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

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

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

11.14 (c) Any responsible social services agency that has a case review showing  
11.15 disproportionality and disparities in child welfare outcomes for African American children  
11.16 and families, compared to the agency's overall outcomes, must develop a remediation plan  
11.17 to be approved by the commissioner. The responsible social services agency must develop  
11.18 the plan within 30 days of finding the disproportionality or disparities and must make  
11.19 measurable improvements within 12 months of the date that the commissioner approves  
11.20 the remediation plan. A responsible social services agency may request assistance from the  
11.21 commissioner to develop a remediation plan. The remediation plan must include measurable  
11.22 outcomes to identify, address, and reduce the factors that led to the disproportionality and  
11.23 disparities in the agency's child welfare outcomes and include information about how the  
11.24 responsible social services agency will achieve and document trauma-informed, positive  
11.25 child well-being outcomes through remediation efforts.

11.26 Subd. 4. **Noncompliance.** Any responsible social services agency that fails to comply  
11.27 with this section is subject to corrective action and a fine determined by the commissioner.  
11.28 The commissioner shall use fines received under this subdivision to support compliance  
11.29 with this act, but shall not use amounts received to supplant funding for existing services.

12.1 Sec. 9. [260.69] AFRICAN AMERICAN CHILD WELFARE OVERSIGHT  
12.2 COUNCIL.

12.3 Subdivision 1. **Creation.** (a) The commissioner shall establish an African American  
12.4 Child Welfare Oversight Council to formulate and recommend policies and procedures  
12.5 relating to child welfare services for African American children to ensure that responsible  
12.6 social services agencies provide African American families with culturally relevant family  
12.7 preservation services and opportunities to care for their children safely in their homes.

12.8 (b) The commissioner shall convene an initial selection committee to appoint council  
12.9 members. The selection committee shall consist of representatives from the Council on  
12.10 Minnesotans of African Heritage, the ombudsperson for African American Families, and  
12.11 the larger African American community.

12.12 (c) The terms, compensation, and removal of council members are as provided in section  
12.13 15.059. The advisory council does not expire. The commissioner shall provide administrative  
12.14 support to the council.

12.15 Subd. 2. **Membership and composition.** (a) The council shall consist of 15 members  
12.16 and must include:

12.17 (1) five members from African American families and communities that have been  
12.18 impacted by the child welfare system, including community leaders and community members;

12.19 (2) one responsible social services agency representative from each of the six counties  
12.20 with the highest populations of disproportionately represented African American children  
12.21 in the state; and

12.22 (3) four parents or custodians of African American children, two who reside in the  
12.23 seven-county metropolitan area and two who reside outside of the seven-county metropolitan  
12.24 area.

12.25 (b) The council shall have two cochairs, chosen by the council.

12.26 Subd. 3. **Meeting.** The commissioner shall convene the first meeting of the council no  
12.27 later than December 15, 2023. The council shall meet at least six times per year, but may  
12.28 meet more frequently at the call of the chair, a majority of the council members, or the  
12.29 commissioner. Subgroups of the council may meet more frequently as necessary.

12.30 Subd. 4. **Duties.** The African American Child Welfare Oversight Council shall:

12.31 (1) review annual reports related to African American children in out-of-home placement;

13.1 (2) assist in and make recommendations to the commissioner for developing strategies  
13.2 to prevent out-of-home placement, promote culturally appropriate foster care and shelter  
13.3 or facility placement decisions and settings for African American children, and improve  
13.4 child welfare outcomes for African American children and families;

13.5 (3) review summary reports on case reviews prepared by the commissioner to ensure  
13.6 that responsible social services agencies meet the needs of African American families. The  
13.7 council may review individual case information with identifying information redacted to  
13.8 provide context and oversight, to address disparities in the treatment of African American  
13.9 children and families as compared to other children and families involved in the child welfare  
13.10 system;

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

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

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

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

13.26 (8) identify barriers to the development of a racially and ethnically diverse child welfare  
13.27 workforce in Minnesota that includes professionals who have been directly impacted by  
13.28 experiences within the child welfare system and explore strategies and partnerships to  
13.29 address education and training needs, and hiring and recruitment practices.

13.30 Subd. 5. Case review. (a) The council may initiate a secondary case review of an African  
13.31 American child's case upon the request of a child's parent or custodian, or the child, if the  
13.32 council determines that a secondary case review is appropriate, after reviewing the  
13.33 commissioner's summary report and conclusions from the initial case review. The purpose  
13.34 of a secondary case review under this subdivision is to provide recommendations to the

14.1 commissioner and the responsible social services agency to improve the child welfare system  
14.2 and provide better outcomes for the child and the child's family.

14.3 (b) Upon the request of the parent, custodian, or child, members of the African American  
14.4 Child Welfare Oversight Council shall have access to the following data, as permitted under  
14.5 applicable statutes, for a child's case review under this subdivision:

14.6 (1) law enforcement investigative data;

14.7 (2) autopsy records and coroner or medical examiner investigative data;

14.8 (3) hospital, public health, and other medical records of the child;

14.9 (4) hospital and other medical records of the child's parent that relate to prenatal care;

14.10 (5) records of any responsible social services agency that provided services to the child  
14.11 or family; and

14.12 (6) a responsible social services agency's personnel data regarding any agency employees  
14.13 who provided services to the child or child's family members.

14.14 A state agency, statewide system, or political subdivision shall provide the data in paragraph  
14.15 (b) to the African American Oversight Council and the council's members upon request of  
14.16 the commissioner. Not public data may be shared with members of the council in connection  
14.17 with an individual case.

14.18 (c) Not public data acquired by the African American Child Welfare Oversight Council  
14.19 in the exercise of its duties retains its original classification. The commissioner may not  
14.20 disclose data on individuals that were classified as confidential or private data on individuals  
14.21 in possession of the state agency, statewide system, or political subdivision from which the  
14.22 data were received, except that the commissioner may disclose responsible social services  
14.23 agency data as provided in section 260E.35, subdivision 7, on individual cases involving a  
14.24 fatality or near fatality of a person served by the responsible social services agency prior to  
14.25 the date of the death or incident.

14.26 (d) The proceedings and records of the council that pertain to the case review of an  
14.27 individual child are private data or confidential data, to the extent that they contain data on  
14.28 an active investigation. Information, documents, and records otherwise available from other  
14.29 sources are not immune from discovery or use in a civil or criminal action solely because  
14.30 the information, documents, and records were presented during proceedings of the council.  
14.31 A person who presented information before the council or who is a member of the council  
14.32 is not prevented from testifying about matters within the person's knowledge.

15.1 Subd. 6. **Annual report.** By January 1 of each year, beginning January 1, 2025, the  
15.2 council shall report to the chairs and ranking minority members of the legislative committees  
15.3 with jurisdiction over child protection on the council's activities under subdivision 4 and  
15.4 other issues on which the council chooses to report. The report may include recommendations  
15.5 for statutory changes to improve the child protection system and child welfare outcomes  
15.6 for African American children and families.

15.7 Subd. 7. **Open meeting law.** Meetings of the council are subject to the Minnesota Open  
15.8 Meeting Law under chapter 13D. Notwithstanding chapter 13D, portions of any meeting  
15.9 that pertain to case review of an individual child's case are closed, and not subject to the  
15.10 Open Meeting Law.

15.11 Sec. 10. **[260.694] AFRICAN AMERICAN CHILD WELL-BEING UNIT.**

15.12 Subdivision 1. **Establishment.** The commissioner shall establish an African American  
15.13 Child Well-Being Unit within the Department of Human Services, to assist counties and  
15.14 monitor child welfare processes and outcomes to address and mitigate child welfare  
15.15 disparities for African American children in Minnesota.

15.16 Subd. 2. **Duties.** The African American Child Well-Being Unit shall perform the  
15.17 following functions:

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

15.23 (2) provide technical assistance, including on-site technical assistance, and case  
15.24 consultation to responsible social services agencies to assist agencies with implementing  
15.25 and complying with this act;

15.26 (3) monitor the number and placement settings of African American children in  
15.27 out-of-home placement statewide, to identify trends and develop strategies to address  
15.28 disproportionality in the child welfare system at the state and county levels;

15.29 (4) develop and implement a system for conducting case reviews when the commissioner  
15.30 receives reports of noncompliance with this act or when requested by the parent or custodian  
15.31 of an African American child. Case reviews may include but are not limited to a review of  
15.32 placement prevention efforts, safety planning, case planning and service provision by the

16.1 responsible social services agency, relative placement consideration, and permanency  
 16.2 planning;

16.3 (5) establish and administer a request for proposals process for African American family  
 16.4 preservation grants under section 260.695, monitor grant activities, and provide technical  
 16.5 assistance to grantees;

16.6 (6) coordinate services and create internal and external partnerships to support adequate  
 16.7 access to services and resources for African American children and families, including but  
 16.8 not limited to housing assistance, employment assistance, food and nutrition support, health  
 16.9 care, child care assistance, and educational support and training, in consultation with the  
 16.10 African American Child Welfare Oversight Council; and

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

16.15 Subd. 3. **Reports.** The African American Child Well-Being Unit shall provide regular  
 16.16 updates on unit activities, including summary reports of case reviews, to the African  
 16.17 American Child Welfare Oversight Council, and shall publish an annual census of African  
 16.18 American children in out-of-home placements statewide. The annual census shall include  
 16.19 data on the types of placements, age and sex of the children, how long the children have  
 16.20 been in out-of-home placements, and other relevant demographic information.

16.21 Subd. 4. **Establishment and staffing.** The commissioner may engage the African  
 16.22 American Child Welfare Oversight Council for assistance in establishing the African  
 16.23 American Child Well-Being Unit and appointing individuals within the unit.

16.24 Sec. 11. **[260.695] AFRICAN AMERICAN FAMILY PRESERVATION GRANTS.**

16.25 Subdivision 1. **Primary support grants.** The commissioner shall establish direct grants  
 16.26 to organizations, service providers, and programs led by African Americans to provide  
 16.27 services and support for African American children and families involved in Minnesota's  
 16.28 child welfare system, including supporting existing eligible services and facilitating the  
 16.29 development of new services and providers, to create a more expansive network of service  
 16.30 providers available for African American children and families.

16.31 Subd. 2. **Eligible services.** (a) Services eligible for grants under this section include but  
 16.32 are not limited to:

16.33 (1) child out-of-home placement prevention and reunification services;

- 17.1 (2) family-based services and reunification therapy;
- 17.2 (3) culturally specific individual and family counseling;
- 17.3 (4) court advocacy;
- 17.4 (5) training and consultation to responsible social services agencies and private social  
 17.5 services agencies regarding this act;
- 17.6 (6) services to support informal kinship care arrangements; and
- 17.7 (7) other activities and services approved by the commissioner that further the goals of  
 17.8 the Minnesota African American Family Preservation Act, including but not limited to the  
 17.9 recruitment of African American staff for responsible social services agencies and licensed  
 17.10 child-placing agencies.
- 17.11 (b) The commissioner may specify the priority of an activity and service based on its  
 17.12 success in furthering these goals. The commissioner shall give preference to programs and  
 17.13 service providers that are located in or serve counties with the highest rates of child welfare  
 17.14 disproportionality for African American children and families, and employ staff who  
 17.15 represent the population primarily served.
- 17.16 Subd. 3. **Ineligible services.** Grant money may not be used to supplant funding for  
 17.17 existing services or for the following purposes:
- 17.18 (1) child day care that is necessary solely because of the employment or training for  
 17.19 employment of a parent or other relative with whom the child is living;
- 17.20 (2) foster care maintenance or difficulty of care payments;
- 17.21 (3) residential treatment facility payments;
- 17.22 (4) adoption assistance or Northstar kinship assistance payments under chapter 259A  
 17.23 or 256N;
- 17.24 (5) public assistance payments for Minnesota family investment program assistance,  
 17.25 supplemental aid, medical assistance, general assistance, general assistance medical care,  
 17.26 or community health services; or
- 17.27 (6) administrative costs for income maintenance staff.
- 17.28 Subd. 4. **Requests for proposals.** The commissioner shall request proposals for grants  
 17.29 under subdivisions 1, 2, and 3, and specify the information and criteria required.

18.1 Sec. 12. Minnesota Statutes 2022, section 260C.329, subdivision 3, is amended to read:

18.2 Subd. 3. **Petition.** The county attorney or a parent whose parental rights were terminated  
 18.3 under a previous order of the court may file a petition for the reestablishment of the legal  
 18.4 parent and child relationship. A parent filing a petition under this section shall pay a filing  
 18.5 fee in the amount required under section 357.021, subdivision 2, clause (1). The filing fee  
 18.6 may be waived pursuant to ~~chapter 563~~ in cases of indigency. A petition for the  
 18.7 reestablishment of the legal parent and child relationship may be filed when:

18.8 (1) ~~in cases where the county attorney is the petitioning party~~, both the responsible social  
 18.9 services agency and the county attorney agree that reestablishment of the legal parent and  
 18.10 child relationship is in the child's best interests. This clause must be satisfied only when the  
 18.11 county attorney is the petitioning party;

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

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

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

18.17 ~~(5)~~ (4) the child has not been adopted; and

18.18 ~~(6)~~ (5) the child is not the subject of a written adoption placement agreement between  
 18.19 the responsible social services agency and the prospective adoptive parent, as required under  
 18.20 Minnesota Rules, part 9560.0060, subpart 2.

18.21 Sec. 13. Minnesota Statutes 2022, section 260C.329, subdivision 8, is amended to read:

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

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

18.25 (2) the child has not been adopted;

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

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

18.31 ~~(5)~~ (4) the child desires to reside with the parent;

19.1 ~~(6)~~ (5) the parent has corrected the conditions that led to an order terminating parental  
 19.2 rights; and

19.3 ~~(7)~~ (6) the parent is willing and has the capability to provide day-to-day care and maintain  
 19.4 the health, safety, and welfare of the child.

19.5 Sec. 14. **AFRICAN AMERICAN CULTURAL COMPETENCY TRAINING FOR**  
 19.6 **INDIVIDUALS WORKING WITH AFRICAN AMERICAN FAMILIES AND**  
 19.7 **CHILDREN IN THE CHILD WELFARE SYSTEM.**

19.8 Subdivision 1. **Applicability.** The commissioner of human services shall work with the  
 19.9 Children's Justice Initiative to ensure that African American cultural competency training  
 19.10 is given to individuals working in the child welfare system, including child welfare workers,  
 19.11 supervisors, attorneys, juvenile court judges, and family law judges.

19.12 Subd. 2. **Training.** (a) The commissioner shall consult with the African American Child  
 19.13 Welfare Oversight Council to develop training content and establish the frequency of  
 19.14 trainings.

19.15 (b) The training is required prior to or within six months of beginning work with any  
 19.16 African American child and family. A responsible social services agency staff person who  
 19.17 is unable to complete the training prior to working with African American children and  
 19.18 families must work with a qualified staff person within the agency who has completed  
 19.19 African American cultural competency training until the person is able to complete the  
 19.20 required training. The training must be available by January 1, 2025, and must:

19.21 (1) be provided by an African American individual who is knowledgeable about African  
 19.22 American social and cultural norms and historical trauma;

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

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

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

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

19.30 Subd. 3. **Update.** The commissioner, in coordination with the African American Child  
 19.31 Welfare Oversight Council, shall provide an update to the legislative committees with

20.1 jurisdiction over child protection issues by January 1, 2025, on the rollout of the training  
 20.2 under subdivision 1 and the content and accessibility of the training under subdivision 2.

20.3 **Sec. 15. DISAGGREGATE DATA.**

20.4 The commissioner of human services shall work with the African American Child  
 20.5 Welfare Oversight Council to establish a method to disaggregate data related to African  
 20.6 American child welfare disproportionality, and begin disaggregating data by January 1,  
 20.7 2025.

20.8 **Sec. 16. ENSURING FREQUENT VISITATION FOR AFRICAN AMERICAN**  
 20.9 **CHILDREN IN OUT-OF-HOME PLACEMENT.**

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

20.18 **Sec. 17. DIRECTION TO COMMISSIONER; MAINTAINING CONNECTIONS**  
 20.19 **IN FOSTER CARE BEST PRACTICES.**

20.20 The commissioner of human services shall develop and publish guidance on best practices  
 20.21 for ensuring that African American children in foster care maintain connections and  
 20.22 relationships with their parents, custodians, and extended relative and kin network. The  
 20.23 commissioner shall also develop and publish best practice guidance on engaging and  
 20.24 assessing noncustodial and nonadjudicated parents to care for their African American  
 20.25 children who cannot remain with the children's custodial parents.

20.26 **Sec. 18. APPROPRIATION.**

20.27 \$...... in fiscal year 2024 is appropriated from the general fund to the commissioner of  
 20.28 human services for the administration of the Minnesota African American Family  
 20.29 Preservation Act under Minnesota Statutes, sections 260.61 to 260.695. This is an ongoing  
 20.30 appropriation and shall be added to the base.