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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 1151

- 02/15/2021 Authored by Agbaje, Richardson, Lee, Gomez, Xiong, J., and others
- 03/04/2021 The bill was read for the first time and referred to the Committee on Human Services Finance and Policy
- 03/04/2021 By motion, recalled and re-referred to the Committee on Judiciary Finance and Civil Law
- 03/10/2021 Adoption of Report: Amended and re-referred to the Committee on Human Services Finance and Policy

1.1 A bill for an act

1.2 relating to families; modifying child welfare provisions; establishing the Minnesota

1.3 African American Family Preservation Act; providing criminal penalties; requiring

1.4 a report; appropriating money; amending Minnesota Statutes 2020, section

1.5 260C.329, subdivision 3; proposing coding for new law in Minnesota Statutes,

1.6 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 purpose of the Minnesota African American Family Preservation Act is 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 local social services agency must continuously make throughout the time that the
2.5 local social services agency is involved with an African American child and family. To
2.6 provide active efforts to preserve an African American child and family, the local social
2.7 services agency must continuously involve an African American family and the African
2.8 American Welfare Oversight Council in all services for the family, including case planning
2.9 and choosing services and providers. When providing active efforts, the local social services
2.10 agency is required to consider the African American family's social and cultural values at
2.11 all times while providing services to a child and family. Active efforts includes continuous
2.12 efforts to preserve an African American child's family and to prevent out-of-home placement
2.13 of an African American child. If an African American child is placed out-of-home, the local
2.14 social services agency is required to make active efforts to reunify the African American
2.15 child with the child's family as soon as possible. Active efforts sets a higher standard for
2.16 the local social services agency than reasonable efforts to preserve the family, prevent
2.17 breaking up the family, and reunify the family, according to section 260.762. Active efforts
2.18 includes the provision of reasonable efforts as required by Title IV-E of the Social Security
2.19 Act, United States Code, title 42, sections 670 to 679c.

2.20 **Subd. 3. African American child.** "African American child" is a child having origins
2.21 in Africa, including a child of two or more races who has at least one parent with origins
2.22 in Africa.

2.23 **Subd. 4. Best interests of the African American child.** "Best interests of the African
2.24 American child" means providing a culturally informed practice lens that acknowledges,
2.25 utilizes, and embraces the community and cultural norms of an African American child and
2.26 allows the child to remain safely at home with the child's family. The best interests of the
2.27 child supports the child's sense of belonging to family, extended family, kin, and cultural
2.28 community.

2.29 **Subd. 5. Child placement proceeding.** (a) "Child placement proceeding" includes a
2.30 judicial proceeding which could have a result described in paragraphs (b) to (e).

2.31 (b) "Adoptive placement" means the permanent placement of an African American child
2.32 for adoption, including an action resulting in a final decree of adoption.

2.33 (c) "Court-ordered foster care placement" means the removal of an African American
2.34 child from the child's home with the child's parents or legal custodians and the temporary

3.1 placement of the child in a foster home, in shelter care, or in the home of a guardian, when
3.2 the parents or legal custodians cannot have the child returned upon demand but whose
3.3 parental rights have not been terminated.

3.4 (d) "Preadoptive placement" means the placement of a child with the child's family or
3.5 kin when the child is under the guardianship of the commissioner of human services and
3.6 when an adoptive placement agreement for the child has been fully executed.

3.7 (e) "Termination of parental rights" means an action resulting in the termination of the
3.8 parent-child relationship under section 260C.301.

3.9 (f) The terms in this subdivision include a child's placement based upon a child's juvenile
3.10 status offense, but do not include a placement based upon (1) an act which if committed by
3.11 an adult would be deemed a crime, or (2) an award of custody in a divorce proceeding to
3.12 one of the child's parents.

3.13 Subd. 6. **Commissioner.** "Commissioner" means the commissioner of human services.

3.14 Subd. 7. **Disproportionality.** "Disproportionality" means the overrepresentation of
3.15 African American children in the state's child welfare system population as compared to
3.16 the group's representation in the state's total child population.

3.17 Subd. 8. **Family preservation services.** "Family preservation services" means intensive
3.18 family-centered services that are provided to a family primarily in the family's own home
3.19 or community when the services are based on the individualized needs of the family.

3.20 Subd. 9. **Local social services agency.** "Local social services agency" has the meaning
3.21 given in section 260.755, subdivision 13.

3.22 Subd. 10. **Parent.** "Parent" means the biological parent of an African American child
3.23 or any person who has legally adopted an African American child. Parent includes an
3.24 unmarried father whose paternity has been acknowledged or established, as well as an
3.25 alleged father. Paternity has been acknowledged when an unmarried father takes any action
3.26 to hold himself out as the biological father of a child.

3.27 Subd. 11. **Relative.** "Relative" means a person related to the child by blood, marriage,
3.28 or adoption, an individual who is an important friend of the child or child's family with
3.29 whom the child has resided or has had significant contact, or a person whom the child or
3.30 the child's family identify as related to the child's family.

3.31 Subd. 12. **Safety network.** "Safety network" means a group of individuals identified by
3.32 the parent that is accountable for developing, implementing, sustaining, supporting, or
3.33 improving a safety plan to protect the safety and well-being of a child.

4.1 Subd. 13. **Sexual abuse.** "Sexual abuse" has the meaning given in section 260E.03,
4.2 subdivision 20.

4.3 Subd. 14. **Substantial child endangerment.** "Substantial child endangerment" has the
4.4 meaning given in section 260E.03, subdivision 22.

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

4.7 (a) A local social services agency shall make active efforts to prevent the out-of-home
4.8 placement of an African American child, eliminate the need for a child's removal from the
4.9 child's home, and reunify an African American child with the child's family as soon as
4.10 practicable.

4.11 (b) Prior to removing an African American child from the child's home, a local social
4.12 services agency must work with the child's family to allow the child to remain living in the
4.13 child's home while implementing an in-home safety plan based on the needs of the family.
4.14 The local social services agency must establish a safety network for the family and engage
4.15 the safety network in developing the safety plan. The child's parent or guardian must actively
4.16 participate in creating the safety plan with guidance and input from the local social services
4.17 agency. The safety plan must address the child's basic needs and incorporate family and
4.18 community support to ensure the child's safety while keeping the family intact. The local
4.19 social services agency is not required to establish a safety plan in cases with allegations of
4.20 sexual abuse or egregious harm.

4.21 (c) Unless the court finds by clear and convincing evidence that the child's health or
4.22 welfare would be immediately endangered if the child were to remain in the child's home,
4.23 a court shall not order an out-of-home or permanency placement of an African American
4.24 child alleged to be in need of protective services unless the court finds that the local social
4.25 services agency has made active efforts to preserve the child's family. At each hearing
4.26 regarding an African American child who is alleged to be in need of child protective services,
4.27 the court shall review the local social services agency's provision of active efforts to the
4.28 child and the child's family and the court shall require the local social services agency to
4.29 provide documentation and evidence that demonstrates how the agency continues to provide
4.30 culturally informed, strength-based, community-involved, and community-based services
4.31 to the child and the child's family. In determining whether the local social services agency
4.32 has made active efforts to preserve the family for purposes of the child's out-of-home
4.33 placement and permanency, the court shall make findings regarding whether the local social
4.34 services agency made appropriate and meaningful family-based services available to the

5.1 child's family based upon the family's specific needs. If a court determines that the local
5.2 social services agency did not make active efforts to preserve the family as required by this
5.3 section, the court shall order the local social services agency to immediately provide active
5.4 efforts to the child and child's family to preserve the family.

5.5 **Sec. 5. [260.65] TEMPORARY OUT-OF-HOME PLACEMENT.**

5.6 (a) Prior to placing an African American child in foster care, the responsible local social
5.7 services agency must make active efforts to identify and locate the child's noncustodial or
5.8 nonadjudicated parent and the child's relatives to notify them that the child needs a foster
5.9 home and provide them with a list of legal resources. The agency must also inform the
5.10 child's noncustodial or nonadjudicated parent and relatives of the option to become a
5.11 placement resource for the child and the possibility that the child will need a permanent
5.12 placement. If prior notice is not possible, the agency must notify the noncustodial or
5.13 nonadjudicated parent and identified relatives of the child's need for a foster home within
5.14 48 hours of a child's removal from the custodial parent's care. The local social services
5.15 agency must maintain detailed records of the agency's efforts to notify parents and relatives
5.16 under this section.

5.17 (b) Notwithstanding the provisions of section 260C.219, if a child's noncustodial or
5.18 nonadjudicated parent is willing to and capable of providing daily care of the African
5.19 American child temporarily or permanently, the local social services agency shall temporarily
5.20 place the child with the noncustodial or nonadjudicated parent. Prior to initial placement
5.21 with a noncustodial or nonadjudicated parent, the local social services agency must conduct
5.22 an immediate assessment of the parent's ability to care for the child.

5.23 (c) If a child's noncustodial or nonadjudicated parent is unwilling to or incapable of
5.24 caring for the child and the local social services agency has determined that continued
5.25 placement of the child in the home of the child's parent would endanger the child's health,
5.26 safety, or welfare, the local social services agency shall comply with the custodial or
5.27 noncustodial parent or legal custodian's request to temporarily place the child with a relative
5.28 selected by the child's parent or legal custodian. If selected relatives are not available, the
5.29 local social services agency shall consider additional relatives for the child's placement.
5.30 Prior to initial placement of the child with a relative, the local social services agency must
5.31 conduct an assessment of the relative's ability to care for the child.

5.32 (d) The local social services agency must make active efforts to allow a noncustodial
5.33 and nonadjudicated parent or a selected relative to remedy any issues that prevent placement
5.34 of the child, including bars to licensing the relative's home as a foster home. If the relative

6.1 has a temporary or permanent bar to obtaining a foster care license, the local social services
6.2 agency must make active efforts to assist the relative in applying for a variance to place the
6.3 child with the relative. The local social services agency is only relieved of the duty to make
6.4 active efforts to place the child with a particular relative if the agency can demonstrate that
6.5 it would not be consistent with the child's best interests to place the child with the particular
6.6 relative.

6.7 (e) If, after conducting an assessment, the local social services agency determines that
6.8 the child cannot be placed with the relative or the noncustodial or nonadjudicated parent,
6.9 the local social services agency must provide specific reasons with supporting evidence in
6.10 writing to the court explaining why the child's placement with a noncustodial parent or
6.11 relative is not possible.

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

6.13 Notwithstanding section 260C.163, subdivision 3, and the provisions of Minnesota Rules
6.14 of Juvenile Protection Procedure Rule 25, a parent of an African American child who is
6.15 subject to an emergency protective care hearing pursuant to section 260C.178 and Minnesota
6.16 Rules of Juvenile Protection Procedure Rule 30 must be represented by counsel. The court
6.17 must appoint qualified counsel to represent the parent if the parent meets the eligibility
6.18 requirements in section 611.17.

6.19 **Sec. 7. [260.67] TERMINATION OF PARENTAL RIGHTS; CHILD PLACEMENT**
6.20 **PROCEEDINGS.**

6.21 Subdivision 1. **Termination of parental rights restrictions.** (a) A court shall not
6.22 terminate the parental rights of an African American parent based solely on the parent's
6.23 failure to complete case plan requirements.

6.24 (b) A court shall not terminate the parental rights of an African American parent in child
6.25 placement proceedings unless the allegations against the parent involve sexual abuse;
6.26 egregious harm as defined in section 260C.007, subdivision 14; murder in the first, second,
6.27 or third degree under section 609.185, 609.19, or 609.195; murder of an unborn child in the
6.28 first, second, or third degree under sections 609.2661, 609.2662, or 609.2663; manslaughter
6.29 in the first or second degree under section 609.20 or 609.205; manslaughter of an unborn
6.30 child in the first or second degree under sections 609.2664 or 609.2665; assault in the first,
6.31 second, or third degree under section 609.221, 609.222, or 609.223; domestic assault by
6.32 strangulation under section 609.2247; felony domestic assault under sections 609.2242 or
6.33 609.2243; kidnapping under section 609.25; solicitation, inducement, and promotion of

7.1 prostitution under section 609.322; criminal sexual conduct under sections 609.342 to
7.2 609.3451; engaging in, hiring, or agreeing to hire a minor to engage in prostitution under
7.3 section 609.324, subdivision 1; solicitation of children to engage in sexual conduct under
7.4 section 609.352; possession of pornographic work involving minors under section 617.247;
7.5 malicious punishment or neglect or endangerment of a child under section 609.377 or
7.6 609.378; use of a minor in sexual performance under section 617.246; or failing to protect
7.7 a child from an overt act or condition that constitutes egregious harm. The court shall, if
7.8 possible, transfer permanent legal and physical custody to a fit and willing relative or third
7.9 party if the court determines that there is continued need for out-of-home placement of the
7.10 child.

7.11 Subd. 2. Appeals. Notwithstanding the provisions of Minnesota Rules of Juvenile
7.12 Protection Procedure Rule 47.02, subdivision 2, an African American parent whose parental
7.13 rights have been terminated may appeal the decision within 60 days of the service of notice
7.14 by the court administrator of the filing of the court's order.

7.15 **Sec. 8. [260.68] LOCAL WELFARE AGENCY CONDUCT AND CASE REVIEW.**

7.16 (a) A local social services agency employee who has duties related to child protection
7.17 shall not knowingly:

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

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

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

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

7.26 (c) When a local social services agency screens in a report alleging maltreatment of an
7.27 African American child or places an African American child in an involuntary out-of-home
7.28 placement, the agency shall, within seven days after screening in the report or initiating the
7.29 child's out-of-home placement, notify the Department of Human Services of the maltreatment
7.30 report or child's out-of-home placement and of the steps that the agency has taken to
7.31 investigate and remedy the conditions that led to the report or placement. Upon receiving
7.32 a report alleging maltreatment of an African American child or notice that an African
7.33 American child was placed out-of-home, the Department of Human Services shall review

8.1 the local social services agency's handling of the child's case to ensure that the case plans
8.2 and services address the unique needs of the child and the child's family and that the agency
8.3 is making active efforts to preserve the child's family in compliance with the African
8.4 American Family Preservation Act. At all stages of a case involving an African American
8.5 child, the local social services agency shall, upon request, fully cooperate with the Department
8.6 of Human Services and the African American Child Welfare Oversight Council and provide
8.7 access to all relevant case files.

8.8 (d) In any involuntary adoptive or preadoptive placement proceeding involving an
8.9 African American child, the local social services agency shall notify the Department of
8.10 Human Services of the pending proceeding and of the right of intervention. No preadoptive
8.11 or adoptive placement proceeding where there will be placement with a nonrelative may
8.12 be held until at least 30 days after receipt of the notice by the Department of Human Services
8.13 or until a home study can be completed for a relative kinship adoption, whichever occurs
8.14 first. Upon receipt of the notice, the Department of Human Services shall review the case
8.15 to ensure that the requirements of the African American Family Preservation Act have been
8.16 met.

8.17 If the Department of Human Services requests time to prepare for the proceeding, the
8.18 district court must grant the Department of Human Services up to 30 additional days to
8.19 prepare for the proceeding. The agency or notifying party shall include in the notice the
8.20 identity of the birth parents and child. In cases that an agency or party to an adoptive
8.21 placement knows or has reason to believe that a child is or may be African American, proof
8.22 of service upon the Department of Human Services must be filed with the adoption petition.

8.23 (e) The local social services agency shall conduct a case review every 24 months after
8.24 a 2021 baseline is established. The local social services agency shall report the agency's
8.25 findings to the county board, related child welfare committees, the Children's Justice Initiative
8.26 team, the African American Child Welfare Oversight Council, and community stakeholders
8.27 within six months of gathering data. For situations in which the data being reported would
8.28 be smaller than five, the data must only be reported to the African American Child Welfare
8.29 Oversight Council. The case review must include:

8.30 (1) the number of African American children represented in the local county child welfare
8.31 system;

8.32 (2) the number and race of maltreatment reports received and reports accepted for
8.33 investigation or referred for family assessment;

- 9.1 (3) the number and race of children and parents who receive in-home preventive case
9.2 management services;
- 9.3 (4) the number and race of children whose parents are referred to community-based,
9.4 culturally appropriate, strength-based, or trauma-informed services;
- 9.5 (5) the number and race of children removed from their homes;
- 9.6 (6) the number and race of children reunified with their parents;
- 9.7 (7) the number and race of children whose parents are offered family group decision
9.8 making services;
- 9.9 (8) the number and race of children whose parents are offered the parent support outreach
9.10 program;
- 9.11 (9) the number and race of children in out-of-home placement;
- 9.12 (10) the number and race of children who find permanency through guardianship and
9.13 adoption; and
- 9.14 (11) the number and race of children under guardianship of the commissioner or waiting
9.15 to be adopted.
- 9.16 (f) Case review shall also:
- 9.17 (1) identify barriers to reunifying children with their parents;
- 9.18 (2) identify family conditions that led to the need for out-of-home placement;
- 9.19 (3) identify any barriers to accessing culturally informed mental health or substance use
9.20 disorder treatment services for the parent or child;
- 9.21 (4) document efforts to identify a child's father and paternal relatives, and provision of
9.22 services to custodial and noncustodial fathers, if appropriate; and
- 9.23 (5) document and summarize court reviews of active efforts.
- 9.24 (g) Any local social services agency that has a disproportionate rate of outcomes across
9.25 the child welfare process must develop a remediation plan with measurable outcomes to
9.26 address and reduce the factors that led to the disproportionate outcomes. The plan must
9.27 include information about how the local social services agency will achieve and document
9.28 trauma-informed, positive child well-being outcomes through remediation efforts. The local
9.29 social services agency must develop the plan within 30 days of discovery of the disparity
9.30 and the agency must make measurable improvements within 12 months. A local social

10.1 services agency may request assistance from the African American Child Welfare Oversight
10.2 Council to develop a remediation plan.

10.3 (h) Any local social services agency that fails to comply with this section will be subject
10.4 to corrective action and a fine determined by the commissioner.

10.5 **Sec. 9. [260.69] AFRICAN AMERICAN CHILD WELFARE OVERSIGHT**
10.6 **COUNCIL.**

10.7 Subdivision 1. **Creation.** (a) The commissioner shall appoint an African American Child
10.8 Welfare Oversight Council to formulate policies and procedures relating to child welfare
10.9 services for African American children to ensure that local social services agencies provide
10.10 African American families with culturally relevant family preservation services and
10.11 opportunities to care for their children safely in their homes.

10.12 (b) The terms, compensation, and removal of council members shall be as provided in
10.13 section 15.059. The advisory council does not expire.

10.14 Subd. 2. **Membership and composition.** (a) The council shall consist of 31 members
10.15 and must include:

10.16 (1) 15 members from African American families and communities that have been
10.17 impacted by the child welfare process, including child welfare policy and social work
10.18 professionals and paraprofessionals, community leaders, and community members;

10.19 (2) local social services agency representatives from the six counties with the highest
10.20 populations of disproportionately represented African American children in the state; and

10.21 (3) two parents of African American children from each of the four regions of the state.

10.22 (b) The council shall have two cochairs, one from the Department of Human Services
10.23 county agency and the other an African American parent with experience in the child welfare
10.24 system.

10.25 Subd. 3. **Meeting.** The council shall meet at least six times per year, but may meet more
10.26 frequently at the call of the chair, a majority of the council members, or the commissioner.
10.27 Subgroups of the council may meet more frequently as necessary.

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

10.29 (1) monitor the number of African American children in out-of-home placement in a
10.30 joint effort with the Department of Human Services;

11.1 (2) review summary reports on case reviews prepared by specialists to ensure that local
11.2 social services agencies meet the needs of African American families. The council may
11.3 review individual case data with identifying information removed to provide context and
11.4 oversight for disparities in the treatment of African American children and families as
11.5 compared to other children and families;

11.6 (3) develop a culturally appropriate service model for shelter and foster care settings to
11.7 follow that describes how to provide services for African American children in a culturally
11.8 appropriate manner;

11.9 (4) develop and promote public policies and child protection laws that specifically
11.10 consider the needs of African American children and families;

11.11 (5) coordinate stakeholder and agency efforts to improve child welfare outcomes for
11.12 African American children and families;

11.13 (6) initiate a public awareness campaign on the issue of racial disparities in out-of-home
11.14 placement of African American children as compared to children of other races;

11.15 (7) partner with the Department of Human Services to coordinate services and create
11.16 partnerships to provide housing assistance, employment assistance, and education support
11.17 and training for African American children and families; and

11.18 (8) partner with the commissioner and local social services agencies to promote hiring
11.19 and recruitment practices that consider diverse candidates and candidates who have been
11.20 impacted by the child welfare system.

11.21 Subd. 5. Case review. (a) Upon the request of a child's parent, the African American
11.22 Child Welfare Oversight Council may initiate a case review of a child's case in order to
11.23 provide recommendations to the Department of Human Services and the local social services
11.24 agency to improve the child welfare system and provide better outcomes for the child and
11.25 the child's family.

11.26 (b) Upon the request of the parent, members of the African American Child Welfare
11.27 Oversight Council shall have access to the following data for a child's case review under
11.28 this subdivision:

11.29 (1) police investigative data;

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

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

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

12.1 (5) records of local social services agencies that provided services to the child or family;
12.2 and

12.3 (6) a local social services agency's personnel data regarding any agency employees who
12.4 provided services to the child or child's family members.

12.5 A state agency, statewide system, or political subdivision shall provide the data in paragraph
12.6 (c) to the African American Child Welfare Oversight Council and its members upon request
12.7 of the commissioner. Not public data may be shared with members of the council in
12.8 connection with an individual case.

12.9 (c) Notwithstanding the data's classification in the possession of any other agency, data
12.10 acquired by the African American Child Welfare Oversight Council in the exercise of its
12.11 duties are protected nonpublic or confidential data as defined in section 13.02, but may be
12.12 disclosed by council members as necessary to carry out the purposes of the council. The
12.13 data are not subject to subpoena or discovery. The commissioner may disclose conclusions
12.14 of the council, but may not disclose data on individuals that were classified as confidential
12.15 or private data on individuals in the possession of the state agency, statewide system, or
12.16 political subdivision from which the data were received, except that the commissioner may
12.17 disclose local social services agency data as provided in section 260E.35, subdivision 7, on
12.18 individual cases involving a fatality or near fatality of a person served by the local social
12.19 services agency prior to the date of death.

12.20 (d) A person attending an African American Child Welfare Oversight Council meeting
12.21 may not disclose what transpired at the meeting, except to carry out the purposes of the
12.22 council. The proceedings and records of the council are protected nonpublic data as defined
12.23 in section 13.02, subdivision 13, and are not subject to discovery or introduction into evidence
12.24 in a civil or criminal action against a professional, the state, or a county agency arising out
12.25 of the matters that the panel is reviewing. Information, documents, and records otherwise
12.26 available from other sources are not immune from discovery or use in a civil or criminal
12.27 action solely because they were presented during proceedings of the council. A person who
12.28 presented information before the council or who is a member of the council is not prevented
12.29 from testifying about matters within the person's knowledge. However, in a civil or criminal
12.30 proceeding, a person must not be questioned about the person's presentation of information
12.31 to the council or opinions formed by the person as a result of council meetings.

12.32 Subd. 6. **Annual report.** By January 1 of each year, beginning January 1, 2022, the
12.33 council shall report to the chairs and ranking minority members of the legislative committees
12.34 with jurisdiction over child protection on the council's activities under subdivision 4 and

13.1 other issues on which the council may choose to report. The report may include
13.2 recommendations for statutory changes that will improve the child welfare system for
13.3 African American children and families.

13.4 Sec. 10. [260.694] CHILD WELFARE DISPROPORTIONALITY SPECIALISTS.

13.5 Subdivision 1. Establishment. The commissioner shall appoint six child welfare
13.6 disproportionality specialists to provide assistance to counties and monitor child welfare
13.7 processes and outcomes to address and mitigate child welfare disparities.

13.8 Subd. 2. Location. Two specialists shall serve Hennepin County and two specialists
13.9 shall serve Ramsey County. The two other specialists shall serve northern and southern
13.10 Minnesota, respectively.

13.11 Subd. 3. Duties. The child welfare disproportionality specialists shall perform the
13.12 following functions:

13.13 (1) assist with the development and review of child welfare curriculum in the Minnesota
13.14 Child Welfare Training System to engage child protection social workers in training, improve
13.15 outcomes and child well-being for African American and other disproportionately represented
13.16 children, and better equip workers to provide services to parents;

13.17 (2) provide on-site technical assistance to counties;

13.18 (3) monitor the number of African American children in out-of-home placement statewide,
13.19 conduct case reviews, and respond to requests from families for case review;

13.20 (4) directly oversee, review, and consult on case plans and services offered by local
13.21 social services agencies to ensure that case plans and services address the unique needs of
13.22 each African American or other disproportionately represented family and comply with the
13.23 Minnesota African American Family Preservation Act;

13.24 (5) screen shelter and foster care settings, in cooperation with the African American
13.25 Child Welfare Oversight Council;

13.26 (6) establish and administer a request for proposals process for existing child welfare
13.27 disparities grants and any new child welfare disparity or disproportionality grants, monitor
13.28 grant activities, and provide technical assistance to grantees; and

13.29 (7) coordinate services and create partnerships to provide housing assistance, employment
13.30 assistance, and education support and training for African American children and families,
13.31 in cooperation with the African American Child Welfare Oversight Council.

14.1 Subd. 4. **Report.** The child welfare disproportionality specialists shall provide a quarterly
14.2 report outlining their activities to the commissioner and the African American Child Welfare
14.3 Oversight Council, and shall publish an annual census of all disproportionately represented
14.4 children residing in out-of-home placements statewide. The annual census shall include
14.5 data on the types of placements, age and sex of the children, how long the children have
14.6 been in out-of-home placements, and other relevant demographic information.

14.7 Subd. 5. **Representation.** Individuals appointed as specialists must represent the
14.8 population being served.

14.9 Sec. 11. **[260.695] CHILD WELFARE DISPARITIES AND**
14.10 **DISPROPORTIONALITY GRANTS.**

14.11 Subdivision 1. **Primary support grants.** The commissioner of human services shall
14.12 establish direct grants to organizations, service providers, and programs led by African
14.13 Americans to provide primary support for programs to implement the Minnesota African
14.14 American Family Preservation Act.

14.15 Subd. 2. **Eligible services.** (a) Services eligible for grant money include, but are not
14.16 limited to:

14.17 (1) child placement prevention and reunification services;

14.18 (2) family-based services and reunification therapy;

14.19 (3) culturally specific individual and family counseling;

14.20 (4) court advocacy;

14.21 (5) training and consultation to county and private social services agencies regarding
14.22 the Minnesota African American Family Preservation Act under sections 260.61 to 260.695;
14.23 and

14.24 (6) other activities and services approved by the commissioner of human services that
14.25 further the goals of the Minnesota African American Family Preservation Act, including
14.26 but not limited to recruitment of African American staff for local social services agencies
14.27 and licensed child-placing agencies.

14.28 (b) The commissioner of human services may specify the priority of an activity and
14.29 service based on its success in furthering these goals. The commissioner of human services
14.30 shall give preference to programs and service providers that are located in or serve counties
14.31 with the highest rates of child welfare disproportionality and employ staff who represent
14.32 the population primarily served.

15.1 Subd. 3. **Ineligible services.** Grant money may not be used for the following purposes:

15.2 (1) child day care necessary solely because of employment or training for employment
 15.3 of a parent or other relative with whom the child is living;

15.4 (2) foster care maintenance or difficulty of care payments;

15.5 (3) residential facility payments;

15.6 (4) adoption assistance payments;

15.7 (5) public assistance payments for Minnesota family investment program assistance,
 15.8 supplemental aid, medical assistance, general assistance, general assistance medical care,
 15.9 or community health services; or

15.10 (6) administrative costs for income maintenance staff.

15.11 Subd. 4. **Requests for proposals.** The commissioner of human services shall request
 15.12 proposals for grants under subdivisions 1, 2, and 3, and specify the information and criteria
 15.13 required.

15.14 Sec. 12. Minnesota Statutes 2020, section 260C.329, subdivision 3, is amended to read:

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

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

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

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

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

15.30 ~~(5)~~ (4) the child has not been adopted; and

16.1 ~~(6)~~ (5) the child is not the subject of a written adoption placement agreement between
16.2 the responsible social services agency and the prospective adoptive parent, as required under
16.3 Minnesota Rules, part 9560.0060, subpart 2.

16.4 Sec. 13. AFRICAN AMERICAN CULTURAL COMPETENCY TRAINING FOR
16.5 INDIVIDUALS WORKING WITH AFRICAN AMERICAN FAMILIES AND
16.6 CHILDREN IN THE CHILD PROTECTION SYSTEM.

16.7 Subdivision 1. **Applicability.** The commissioner of human services shall ensure that
16.8 African American cultural competency training is given to individuals working in the child
16.9 protection system, including child welfare workers, supervisors, attorneys, juvenile court
16.10 judges, and family law judges.

16.11 Subd. 2. **Training.** (a) The commissioner and a representative from the African American
16.12 community shall work together to develop the training content and frequency, and to hire
16.13 the African American individual or individuals who will provide the training.

16.14 (b) The training:

16.15 (1) is required prior to working with the African American population and must be
16.16 provided in a manner that is easily accessible, comprehensive, and includes the option to
16.17 ask questions;

16.18 (2) must be provided by an African American individual who is knowledgeable about
16.19 African American social and cultural norms and historical trauma;

16.20 (3) must raise awareness and increase the competency to value diversity, conduct
16.21 self-assessment, manage the dynamics of difference, acquire cultural knowledge, and adapt
16.22 to diversity and cultural contexts of communities served;

16.23 (4) must include instruction on effectively developing a safety plan and instruction on
16.24 engaging a safety network;

16.25 (5) must be accessible and may be provided in a series of segments, either in person or
16.26 online; and

16.27 (6) must be available by January 1, 2022.

16.28 Subd. 3. **Update.** The commissioner, in coordination with the African American Child
16.29 Welfare Oversight Council, shall update the legislative committee with jurisdiction over
16.30 child protection issues by January 1, 2022, on the rollout of the training under subdivision
16.31 1 and the content and accessibility of the training under subdivision 2.

17.1 Sec. 14. **DISAGGREGATE DATA.**

17.2 The commissioner of human services shall work with representatives of the African
17.3 American community and other disproportionately represented communities to establish a
17.4 method to disaggregate data related to disproportionately represented families, and begin
17.5 disaggregating data by January 1, 2022.

17.6 Sec. 15. **INCREASED VISITATION FOR AFRICAN AMERICAN CHILDREN IN**
17.7 **OUT-OF-HOME PLACEMENT.**

17.8 The local social services agency shall engage in best practices related to visitation when
17.9 an African American child is in out-of-home placement. When the child is in out-of-home
17.10 placement, the local social services agency shall make active efforts to facilitate regular and
17.11 frequent visitation between the child and the child's parents or guardians. If visitation is
17.12 infrequent between the child and the child's parents, the local social services agency shall
17.13 make active efforts to increase the frequency of visitation.

17.14 Sec. 16. **APPROPRIATION.**

17.15 \$..... in fiscal year 2022 is appropriated from the general fund to the commissioner of
17.16 human services for the administration of the Minnesota African American Family
17.17 Preservation and Child Welfare Disproportionality Act under Minnesota Statutes, sections
17.18 260.61 to 260.695. This is an ongoing appropriation and shall be added to the base.