

SENATE  
STATE OF MINNESOTA  
NINETY-SECOND SESSION

S.F. No. 1333

(SENATE AUTHORS: HOFFMAN, Utke and Abeler)		
DATE	D-PG	OFFICIAL STATUS
02/22/2021	493	Introduction and first reading Referred to Human Services Reform Finance and Policy
03/08/2021	744	Comm report: To pass and re-referred to Civil Law and Data Practices Policy
03/22/2021	1132	Comm report: To pass
	1134	Second reading
	4795	Rule 47, returned to Civil Law and Data Practices Policy See HF2128, Art. 9, 10, Sec. 15-25, 29, 31, 33-34, 37-42

1.1

A bill for an act

1.2

relating to human services; modifying provisions governing children and families;

1.3

amending Minnesota Statutes 2020, sections 256N.02, subdivisions 16, 17;

1.4

256N.22, subdivision 1; 256N.23, subdivisions 2, 6; 256N.24, subdivisions 1, 8,

1.5

11, 12, 14; 256N.25, subdivision 1, by adding a subdivision; 259.22, subdivision

1.6

4; 259.241; 259.35, subdivision 1; 259.53, subdivision 4; 259.73; 259.75,

1.7

subdivisions 5, 6, 9; 259.83, subdivision 1a; 259A.75, subdivisions 1, 2, 3, 4;

1.8

260C.007, subdivision 22a; 260C.212, subdivisions 1, 2, by adding a subdivision;

1.9

260C.219, subdivision 5; 260C.503, subdivision 2; 260C.515, subdivision 3;

1.10

260C.605, subdivision 1; 260C.607, subdivision 6; 260C.609; 260C.615; repealing

1.11

Minnesota Statutes 2020, section 259A.70.

1.12

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

1.13

Section 1. Minnesota Statutes 2020, section 256N.02, subdivision 16, is amended to read:

1.14

Subd. 16. **Permanent legal and physical custody.** "Permanent legal and physical

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custody" means: (1) a full transfer of permanent legal and physical custody of a child ordered

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by a Minnesota juvenile court under section 260C.515, subdivision 4, to a relative ordered

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~~by a Minnesota juvenile court under section 260C.515, subdivision 4,~~ who is not the child's

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parent as defined in section 260C.007, subdivision 25; or (2) for a child under jurisdiction

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of a tribal court, a judicial determination under a similar provision in tribal code which

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means that a relative will assume the duty and authority to provide care, control, and

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protection of a child who is residing in foster care, and to make decisions regarding the

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child's education, health care, and general welfare until adulthood. To establish eligibility

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for Northstar kinship assistance, permanent legal and physical custody does not include

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joint legal custody, joint physical custody, or joint legal and joint physical custody of a child

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shared by the child's parent and relative custodian.

Sec. 2. Minnesota Statutes 2020, section 256N.02, subdivision 17, is amended to read:

Subd. 17. **Reassessment.** "Reassessment" means an update of a previous assessment through the process under section 256N.24 for a child who has been continuously eligible for Northstar Care for Children, or when a child identified as an at-risk child (Level A) under ~~guardianship or~~ adoption assistance has manifested the disability upon which eligibility for the agreement was based according to section 256N.25, subdivision 3, paragraph (b). A reassessment may be used to update an initial assessment, a special assessment, or a previous reassessment.

Sec. 3. Minnesota Statutes 2020, section 256N.22, subdivision 1, is amended to read:

Subdivision 1. **General eligibility requirements.** (a) To be eligible for Northstar kinship assistance under this section, there must be a judicial determination under section 260C.515, subdivision 4, that a transfer of permanent legal and physical custody to a relative who is not the child's parent is in the child's best interest. For a child under jurisdiction of a tribal court, a judicial determination under a similar provision in tribal code indicating that a relative will assume the duty and authority to provide care, control, and protection of a child who is residing in foster care, and to make decisions regarding the child's education, health care, and general welfare until adulthood, and that this is in the child's best interest is considered equivalent. A child whose parent shares legal, physical, or legal and physical custody of the child with a relative custodian is not eligible for Northstar kinship assistance. Additionally, a child must:

(1) have been removed from the child's home pursuant to a voluntary placement agreement or court order;

(2)(i) have resided with the prospective relative custodian who has been a licensed child foster parent for at least six consecutive months; or

(ii) have received from the commissioner an exemption from the requirement in item (i) that the prospective relative custodian has been a licensed child foster parent for at least six consecutive months, based on a determination that:

(A) an expedited move to permanency is in the child's best interest;

(B) expedited permanency cannot be completed without provision of Northstar kinship assistance;

(C) the prospective relative custodian is uniquely qualified to meet the child's needs, as defined in section 260C.212, subdivision 2, on a permanent basis;

(D) the child and prospective relative custodian meet the eligibility requirements of this section; and

(E) efforts were made by the legally responsible agency to place the child with the prospective relative custodian as a licensed child foster parent for six consecutive months before permanency, or an explanation why these efforts were not in the child's best interests;

(3) meet the agency determinations regarding permanency requirements in subdivision 2;

(4) meet the applicable citizenship and immigration requirements in subdivision 3;

(5) have been consulted regarding the proposed transfer of permanent legal and physical custody to a relative, if the child is at least 14 years of age or is expected to attain 14 years of age prior to the transfer of permanent legal and physical custody; and

(6) have a written, binding agreement under section 256N.25 among the caregiver or caregivers, the financially responsible agency, and the commissioner established prior to transfer of permanent legal and physical custody.

(b) In addition to the requirements in paragraph (a), the child's prospective relative custodian or custodians must meet the applicable background study requirements in subdivision 4.

(c) To be eligible for title IV-E Northstar kinship assistance, a child must also meet any additional criteria in section 473(d) of the Social Security Act. The sibling of a child who meets the criteria for title IV-E Northstar kinship assistance in section 473(d) of the Social Security Act is eligible for title IV-E Northstar kinship assistance if the child and sibling are placed with the same prospective relative custodian or custodians, and the legally responsible agency, relatives, and commissioner agree on the appropriateness of the arrangement for the sibling. A child who meets all eligibility criteria except those specific to title IV-E Northstar kinship assistance is entitled to Northstar kinship assistance paid through funds other than title IV-E.

Sec. 4. Minnesota Statutes 2020, section 256N.23, subdivision 2, is amended to read:

Subd. 2. **Special needs determination.** (a) A child is considered a child with special needs under this section if the requirements in paragraphs (b) to (g) are met.

(b) There must be a determination that the child must not or should not be returned to the home of the child's parents as evidenced by:

(1) a court-ordered termination of parental rights;

- 4.1 (2) a petition to terminate parental rights;
- 4.2 (3) consent of the child's parent to adoption accepted by the court under chapter 260C
- 4.3 or, in the case of a child receiving Northstar kinship assistance payments under section
- 4.4 256N.22, consent of the child's parent to the child's adoption executed under chapter 259;
- 4.5 (4) in circumstances when tribal law permits the child to be adopted without a termination
- 4.6 of parental rights, a judicial determination by a tribal court indicating the valid reason why
- 4.7 the child cannot or should not return home;
- 4.8 (5) a voluntary relinquishment under section 259.25 ~~or 259.47~~ or, if relinquishment
- 4.9 occurred in another state, the applicable laws in that state; or
- 4.10 (6) the death of the legal parent or parents if the child has two legal parents.
- 4.11 (c) There exists a specific factor or condition of which it is reasonable to conclude that
- 4.12 the child cannot be placed with adoptive parents without providing adoption assistance as
- 4.13 evidenced by:
- 4.14 (1) a determination by the Social Security Administration that the child meets all medical
- 4.15 or disability requirements of title XVI of the Social Security Act with respect to eligibility
- 4.16 for Supplemental Security Income benefits;
- 4.17 (2) a documented physical, mental, emotional, or behavioral disability not covered under
- 4.18 clause (1);
- 4.19 (3) a member of a sibling group being adopted at the same time by the same parent;
- 4.20 (4) an adoptive placement in the home of a parent who previously adopted a sibling for
- 4.21 whom they receive adoption assistance; or
- 4.22 (5) documentation that the child is an at-risk child.
- 4.23 (d) A reasonable but unsuccessful effort must have been made to place the child with
- 4.24 adoptive parents without providing adoption assistance as evidenced by:
- 4.25 (1) a documented search for an appropriate adoptive placement; or
- 4.26 (2) a determination by the commissioner that a search under clause (1) is not in the best
- 4.27 interests of the child.
- 4.28 (e) The requirement for a documented search for an appropriate adoptive placement
- 4.29 under paragraph (d), including the registration of the child with the state adoption exchange
- 4.30 and other recruitment methods under paragraph (f), must be waived if:

(1) the child is being adopted by a relative and it is determined by the child-placing agency that adoption by the relative is in the best interests of the child;

(2) the child is being adopted by a foster parent with whom the child has developed significant emotional ties while in the foster parent's care as a foster child and it is determined by the child-placing agency that adoption by the foster parent is in the best interests of the child; or

(3) the child is being adopted by a parent that previously adopted a sibling of the child, and it is determined by the child-placing agency that adoption by this parent is in the best interests of the child.

For an Indian child covered by the Indian Child Welfare Act, a waiver must not be granted unless the child-placing agency has complied with the placement preferences required by the Indian Child Welfare Act, United States Code, title 25, section 1915(a).

(f) To meet the requirement of a documented search for an appropriate adoptive placement under paragraph (d), clause (1), the child-placing agency minimally must:

(1) conduct a relative search as required by section 260C.221 and give consideration to placement with a relative, as required by section 260C.212, subdivision 2;

(2) comply with the placement preferences required by the Indian Child Welfare Act when the Indian Child Welfare Act, United States Code, title 25, section 1915(a), applies;

(3) locate prospective adoptive families by registering the child on the state adoption exchange, as required under section 259.75; and

(4) if registration with the state adoption exchange does not result in the identification of an appropriate adoptive placement, the agency must employ additional recruitment methods prescribed by the commissioner.

(g) Once the legally responsible agency has determined that placement with an identified parent is in the child's best interests and made full written disclosure about the child's social and medical history, the agency must ask the prospective adoptive parent if the prospective adoptive parent is willing to adopt the child without receiving adoption assistance under this section. If the identified parent is either unwilling or unable to adopt the child without adoption assistance, the legally responsible agency must provide documentation as prescribed by the commissioner to fulfill the requirement to make a reasonable effort to place the child without adoption assistance. If the identified parent is willing to adopt the child without adoption assistance, the parent must provide a written statement to this effect to the legally responsible agency and the statement must be maintained in the permanent adoption record

of the legally responsible agency. For children under guardianship of the commissioner, the legally responsible agency shall submit a copy of this statement to the commissioner to be maintained in the permanent adoption record.

Sec. 5. Minnesota Statutes 2020, section 256N.23, subdivision 6, is amended to read:

Subd. 6. **Exclusions.** The commissioner must not enter into an adoption assistance agreement with the following individuals:

(1) a child's biological parent or stepparent;

(2) a child's relative under section 260C.007, subdivision 26b or 27, with whom the child resided immediately prior to child welfare involvement unless:

(i) the child was in the custody of a Minnesota county or tribal agency pursuant to an order under chapter 260C or equivalent provisions of tribal code and the agency had placement and care responsibility for permanency planning for the child; and

(ii) the child is under guardianship of the commissioner of human services according to the requirements of section 260C.325, subdivision 1 or 3, or is a ward of a Minnesota tribal court after termination of parental rights, suspension of parental rights, or a finding by the tribal court that the child cannot safely return to the care of the parent;

(3) an individual adopting a child who is the subject of a direct adoptive placement under section 259.47 or the equivalent in tribal code;

(4) a child's legal custodian or guardian who is now adopting the child, except for a relative custodian as defined in section 256N.02, subdivision 19, who is currently receiving Northstar kinship assistance benefits on behalf of the child; or

(5) an individual who is adopting a child who is not a citizen or resident of the United States and was either adopted in another country or brought to the United States for the purposes of adoption.

Sec. 6. Minnesota Statutes 2020, section 256N.24, subdivision 1, is amended to read:

Subdivision 1. **Assessment.** (a) Each child eligible under sections 256N.21, 256N.22, and 256N.23, must be assessed to determine the benefits the child may receive under section 256N.26, in accordance with the assessment tool, process, and requirements specified in subdivision 2.

(b) If an agency applies the emergency foster care rate for initial placement under section 256N.26, the agency may wait up to 30 days to complete the initial assessment.

(c) Unless otherwise specified in paragraph (d), a child must be assessed at the basic level, level B, or one of ten supplemental difficulty of care levels, levels C to L.

(d) An assessment must not be completed for:

(1) a child eligible for Northstar kinship assistance under section 256N.22 or adoption assistance under section 256N.23 who is determined to be an at-risk child. A child under this clause must be assigned level A under section 256N.26, subdivision 1; and

(2) a child transitioning into Northstar Care for Children under section 256N.28, subdivision 7, unless the commissioner determines an assessment is appropriate.

Sec. 7. Minnesota Statutes 2020, section 256N.24, subdivision 8, is amended to read:

**Subd. 8. Completing the special assessment.** (a) The special assessment must be completed in consultation with the child's caregiver. Face-to-face contact with the caregiver is not required to complete the special assessment.

(b) If a new special assessment is required prior to the effective date of the Northstar kinship assistance agreement, it must be completed by the financially responsible agency, in consultation with the legally responsible agency if different. If the prospective relative custodian is unable or unwilling to cooperate with the special assessment process, the child shall be assigned the basic level, level B under section 256N.26, subdivision 3, ~~unless the child is known to be an at-risk child, in which case, the child shall be assigned level A under section 256N.26, subdivision 1.~~

(c) If a special assessment is required prior to the effective date of the adoption assistance agreement, it must be completed by the financially responsible agency, in consultation with the legally responsible agency if different. If there is no financially responsible agency, the special assessment must be completed by the agency designated by the commissioner. If the prospective adoptive parent is unable or unwilling to cooperate with the special assessment process, the child must be assigned the basic level, level B under section 256N.26, subdivision 3, unless the child is known to be an at-risk child, in which case, the child shall be assigned level A under section 256N.26, subdivision 1.

(d) Notice to the prospective relative custodians or prospective adoptive parents must be provided as specified in subdivision 13.

8.1 Sec. 8. Minnesota Statutes 2020, section 256N.24, subdivision 11, is amended to read:

8.2 Subd. 11. **Completion of reassessment.** (a) The reassessment must be completed in  
8.3 consultation with the child's caregiver. Face-to-face contact with the caregiver is not required  
8.4 to complete the reassessment.

8.5 (b) For foster children eligible under section 256N.21, reassessments must be completed  
8.6 by the financially responsible agency, in consultation with the legally responsible agency  
8.7 if different.

8.8 (c) If reassessment is required after the effective date of the Northstar kinship assistance  
8.9 agreement, the reassessment must be completed by the financially responsible agency.

8.10 (d) If a reassessment is required after the effective date of the adoption assistance  
8.11 agreement, it must be completed by the financially responsible agency or, if there is no  
8.12 financially responsible agency, the agency designated by the commissioner.

8.13 (e) If the child's caregiver is unable or unwilling to cooperate with the reassessment, the  
8.14 child must be assessed at level B under section 256N.26, subdivision 3, unless the child has  
8.15 ~~an a Northstar adoption assistance or Northstar kinship assistance agreement in place and~~  
8.16 is known to be an at-risk child, in which case the child must be assessed at level A under  
8.17 section 256N.26, subdivision 1.

8.18 Sec. 9. Minnesota Statutes 2020, section 256N.24, subdivision 12, is amended to read:

8.19 Subd. 12. **Approval of initial assessments, special assessments, and reassessments.** (a)  
8.20 Any agency completing initial assessments, special assessments, or reassessments must  
8.21 designate one or more supervisors or other staff to examine and approve assessments  
8.22 completed by others in the agency under subdivision 2. The person approving an assessment  
8.23 must not be the case manager or staff member completing that assessment.

8.24 (b) In cases where a special assessment or reassessment for ~~guardian~~ Northstar kinship  
8.25 assistance and adoption assistance is required under subdivision 8 or 11, the commissioner  
8.26 shall review and approve the assessment as part of the eligibility determination process  
8.27 outlined in section 256N.22, subdivision 7, for Northstar kinship assistance, or section  
8.28 256N.23, subdivision 7, for adoption assistance. The assessment determines the maximum  
8.29 ~~for~~ of the negotiated agreement amount under section 256N.25.

8.30 (c) The new rate is effective the calendar month that the assessment is approved, or the  
8.31 effective date of the agreement, whichever is later.



9.1 Sec. 10. Minnesota Statutes 2020, section 256N.24, subdivision 14, is amended to read:

9.2 Subd. 14. **Assessment tool determines rate of benefits.** The assessment tool established  
9.3 by the commissioner in subdivision 2 determines the monthly benefit level for children in  
9.4 foster care. The monthly payment for ~~guardian~~ Northstar kinship assistance or adoption  
9.5 assistance may be negotiated up to the monthly benefit level under foster care for those  
9.6 children eligible for a payment under section 256N.26, subdivision 1.

9.7 Sec. 11. Minnesota Statutes 2020, section 256N.25, subdivision 1, is amended to read:

9.8 Subdivision 1. **Agreement; Northstar kinship assistance; adoption assistance.** (a) In  
9.9 order to receive Northstar kinship assistance or adoption assistance benefits on behalf of  
9.10 an eligible child, a written, binding agreement between the caregiver or caregivers, the  
9.11 financially responsible agency, or, if there is no financially responsible agency, the agency  
9.12 designated by the commissioner, and the commissioner must be established prior to  
9.13 finalization of the adoption or a transfer of permanent legal and physical custody. The  
9.14 agreement must be negotiated with the caregiver or caregivers under subdivision 2 and  
9.15 renegotiated under subdivision 3, if applicable.

9.16 (b) The agreement must be on a form approved by the commissioner and must specify  
9.17 the following:

9.18 (1) duration of the agreement;

9.19 (2) the nature and amount of any payment, services, and assistance to be provided under  
9.20 such agreement;

9.21 (3) the child's eligibility for Medicaid services;

9.22 (4) the terms of the payment, including any child care portion as specified in section  
9.23 256N.24, subdivision 3;

9.24 (5) eligibility for reimbursement of nonrecurring expenses associated with adopting or  
9.25 obtaining permanent legal and physical custody of the child, to the extent that the total cost  
9.26 does not exceed \$2,000 per child pursuant to subdivision 1a;

9.27 (6) that the agreement must remain in effect regardless of the state of which the adoptive  
9.28 parents or relative custodians are residents at any given time;

9.29 (7) provisions for modification of the terms of the agreement, including renegotiation  
9.30 of the agreement;

9.31 (8) the effective date of the agreement; and

(9) the successor relative custodian or custodians for Northstar kinship assistance, when applicable. The successor relative custodian or custodians may be added or changed by mutual agreement under subdivision 3.

(c) The caregivers, the commissioner, and the financially responsible agency, or, if there is no financially responsible agency, the agency designated by the commissioner, must sign the agreement. A copy of the signed agreement must be given to each party. Once signed by all parties, the commissioner shall maintain the official record of the agreement.

(d) The effective date of the Northstar kinship assistance agreement must be the date of the court order that transfers permanent legal and physical custody to the relative. The effective date of the adoption assistance agreement is the date of the finalized adoption decree.

(e) Termination or disruption of the preadoptive placement or the foster care placement prior to assignment of custody makes the agreement with that caregiver void.

Sec. 12. Minnesota Statutes 2020, section 256N.25, is amended by adding a subdivision to read:

Subd. 1a. **Reimbursement of nonrecurring expenses.** (a) The commissioner of human services must reimburse a relative custodian with a fully executed Northstar kinship assistance benefit agreement for costs that the relative custodian incurs while seeking permanent legal and physical custody of a child who is the subject of a Northstar kinship assistance benefit agreement. The commissioner must reimburse a relative custodian for expenses that are reasonable and necessary that the relative incurs during the transfer of permanent legal and physical custody of a child to the relative custodian, subject to a maximum of \$2,000. To be eligible for reimbursement, the expenses must directly relate to the legal transfer of permanent legal and physical custody of the child to the relative custodian, must not have been incurred by the relative custodian in violation of state or federal law, and must not have been reimbursed from other sources or funds. The relative custodian must submit reimbursement requests to the commissioner within 21 months of the date of the child's finalized transfer of permanent legal and physical custody, and the relative custodian must follow all requirements and procedures that the commissioner prescribes.

(b) The commissioner of human services must reimburse an adoptive parent for costs that the adoptive parent incurs in an adoption of a child with special needs according to section 256N.23, subdivision 2. The commissioner must reimburse an adoptive parent for expenses that are reasonable and necessary for the adoption of the child to occur, subject to a maximum of \$2,000. To be eligible for reimbursement, the expenses must directly relate

11.1 to the legal adoption of the child, must not have been incurred by the adoptive parent in  
11.2 violation of state or federal law, and must not have been reimbursed from other sources or  
11.3 funds.

11.4 (1) Children who have special needs but who are not citizens or residents of the United  
11.5 States and were either adopted in another country or brought to this country for the purposes  
11.6 of adoption are categorically ineligible for the reimbursement program in this section, except  
11.7 when the child meets the eligibility criteria in this section after the dissolution of the child's  
11.8 international adoption.

11.9 (2) An adoptive parent, in consultation with the responsible child-placing agency, may  
11.10 request reimbursement of nonrecurring adoption expenses by submitting a complete  
11.11 application to the commissioner that follows the commissioner's requirements and procedures  
11.12 on forms that the commissioner prescribes.

11.13 (3) The commissioner must determine a child's eligibility for adoption expense  
11.14 reimbursement under title IV-E of the Social Security Act, United States Code, title 42,  
11.15 sections 670 to 679c. If the commissioner determines that a child is eligible, the commissioner  
11.16 of human services must fully execute the agreement for nonrecurring adoption expense  
11.17 reimbursement by signing the agreement. For a child to be eligible, the commissioner must  
11.18 have fully executed the agreement for nonrecurring adoption expense reimbursement prior  
11.19 to finalizing a child's adoption.

11.20 (4) An adoptive parent who has a fully executed Northstar adoption assistance agreement  
11.21 is not required to submit a separate application for reimbursement of nonrecurring adoption  
11.22 expenses for the child who is the subject of the Northstar adoption assistance agreement.

11.23 (5) If the commissioner has determined the child to be eligible, the adoptive parent must  
11.24 submit reimbursement requests to the commissioner within 21 months of the date of the  
11.25 child's adoption decree, and the adoptive parent must follow requirements and procedures  
11.26 that the commissioner prescribes.

11.27 Sec. 13. Minnesota Statutes 2020, section 259.22, subdivision 4, is amended to read:

11.28 Subd. 4. **Time for filing petition.** A petition shall be filed not later than 12 months after  
11.29 a child is placed in a prospective adoptive home. If a petition is not filed by that time, the  
11.30 agency that placed the child, or, in a direct adoptive placement, the agency that is supervising  
11.31 the placement shall file with the district court in the county where the prospective adoptive  
11.32 parent resides a motion for an order and a report recommending one of the following:

(1) that the time for filing a petition be extended because of the child's special needs as defined under title IV-E of the Social Security Act, United States Code, title 42, section 673;

(2) that, based on a written plan for completing filing of the petition, including a specific timeline, to which the prospective adoptive parents have agreed, the time for filing a petition be extended long enough to complete the plan because such an extension is in the best interests of the child and additional time is needed for the child to adjust to the adoptive home; or

(3) that the child be removed from the prospective adoptive home.

The prospective adoptive parent must reimburse an agency for the cost of preparing and filing the motion and report under this section, unless the costs are reimbursed by the commissioner under section 259.73 or ~~259A.70~~ 256N.25, subdivision 1a.

Sec. 14. Minnesota Statutes 2020, section 259.241, is amended to read:

**259.241 ADULT ADOPTION.**

(a) Any adult person may be adopted, regardless of the adult person's residence. A resident of Minnesota may petition the court of record having jurisdiction of adoption proceedings to adopt an individual who has reached the age of 18 years or older.

(b) The consent of the person to be adopted shall be the only consent necessary, according to section 259.24. The consent of an adult in the adult person's own adoption is invalid if the adult is considered to be a vulnerable adult under section 626.5572, subdivision 21, or if the person consenting to the adoption is determined not competent to give consent.

(c) Notwithstanding paragraph (b), a person in extended foster care under section 260C.451 may consent to the person's own adoption as long as the court with jurisdiction finds the person competent to give consent.

~~(e)~~ (d) The decree of adoption establishes a parent-child relationship between the adopting parent or parents and the person adopted, including the right to inherit, and also terminates the parental rights ~~and sibling relationship~~ between the adopted person and the adopted person's birth parents ~~and siblings~~ according to section 259.59.

~~(d)~~ (e) If the adopted person requests a change of name, the adoption decree shall order the name change.

13.1 Sec. 15. Minnesota Statutes 2020, section 259.35, subdivision 1, is amended to read:

13.2 Subdivision 1. **Parental responsibilities.** Prior to commencing an investigation of the  
13.3 suitability of proposed adoptive parents, a child-placing agency shall give the individuals  
13.4 the following written notice in all capital letters at least one-eighth inch high:

13.5 "Minnesota Statutes, section 259.59, provides that upon legally adopting a child, adoptive  
13.6 parents assume all the rights and responsibilities of birth parents. The responsibilities include  
13.7 providing for the child's financial support and caring for health, emotional, and behavioral  
13.8 problems. Except for subsidized adoptions under Minnesota Statutes, chapter ~~259A~~ 256N,  
13.9 or any other provisions of law that expressly apply to adoptive parents and children, adoptive  
13.10 parents are not eligible for state or federal financial subsidies besides those that a birth  
13.11 parent would be eligible to receive for a child. Adoptive parents may not terminate their  
13.12 parental rights to a legally adopted child for a reason that would not apply to a birth parent  
13.13 seeking to terminate rights to a child. An individual who takes guardianship of a child for  
13.14 the purpose of adopting the child shall, upon taking guardianship from the child's country  
13.15 of origin, assume all the rights and responsibilities of birth and adoptive parents as stated  
13.16 in this paragraph."

13.17 Sec. 16. Minnesota Statutes 2020, section 259.53, subdivision 4, is amended to read:

13.18 Subd. 4. **Preadoption residence.** No petition shall be granted under this chapter until  
13.19 the child ~~shall have~~ has lived for three months in the proposed adoptive home, subject to a  
13.20 right of visitation by the commissioner or an agency or their authorized representatives.

13.21 Sec. 17. Minnesota Statutes 2020, section 259.73, is amended to read:

13.22 **259.73 REIMBURSEMENT OF NONRECURRING ADOPTION EXPENSES.**

13.23 An individual may apply for reimbursement for costs incurred in an adoption of a child  
13.24 with special needs under section ~~259A.70~~ 256N.25, subdivision 1a.

13.25 Sec. 18. Minnesota Statutes 2020, section 259.75, subdivision 5, is amended to read:

13.26 Subd. 5. **Withdrawal of registration.** A child's registration shall be withdrawn when  
13.27 the exchange service has been notified in writing by the local social service agency or the  
13.28 licensed child-placing agency that the child has been placed in an adoptive home ~~or~~, has  
13.29 died, or is no longer under the guardianship of the commissioner and is no longer seeking  
13.30 an adoptive home.

14.1 Sec. 19. Minnesota Statutes 2020, section 259.75, subdivision 6, is amended to read:

14.2 Subd. 6. **Periodic review of status.** (a) ~~The exchange service commissioner shall~~  
14.3 ~~semiannually check~~ review the state adoption exchange status of listed children for whom  
14.4 ~~inquiries have been received~~ identified under subdivision 2, including a child whose  
14.5 registration was withdrawn pursuant to subdivision 5. The commissioner may determine  
14.6 that a child who is unregistered, or whose registration has been deferred, must be registered  
14.7 and require the authorized child-placing agency to register the child with the state adoption  
14.8 exchange within ten working days of the commissioner's determination.

14.9 (b) ~~Periodic checks~~ reviews shall be made by the ~~service~~ commissioner to determine the  
14.10 progress toward adoption of ~~those children and the status of~~ children registered ~~but never~~  
14.11 ~~listed in the exchange book because of placement in an adoptive home prior to or at the~~  
14.12 ~~time of registration~~ state adoption exchange.

14.13 Sec. 20. Minnesota Statutes 2020, section 259.75, subdivision 9, is amended to read:

14.14 Subd. 9. **Rules; staff.** The commissioner of human services shall make rules as necessary  
14.15 to administer this section and shall employ necessary staff to carry out the purposes of this  
14.16 section. The commissioner may contract for services to carry out the purposes of this section.

14.17 Sec. 21. Minnesota Statutes 2020, section 259.83, subdivision 1a, is amended to read:

14.18 Subd. 1a. **Social and medical history.** (a) If a person aged 19 years and over who was  
14.19 adopted on or after August 1, 1994, or the adoptive parent requests the detailed nonidentifying  
14.20 social and medical history of the adopted person's birth family that was provided at the time  
14.21 of the adoption, agencies must provide the information to the adopted person or adoptive  
14.22 parent on the applicable form required under ~~section~~ sections 259.43 and 260C.212,  
14.23 subdivision 15.

14.24 (b) If an adopted person aged 19 years and over or the adoptive parent requests the  
14.25 agency to contact the adopted person's birth parents to request current nonidentifying social  
14.26 and medical history of the adopted person's birth family, agencies must use the applicable  
14.27 form required under ~~section~~ sections 259.43 and 260C.212, subdivision 15, when obtaining  
14.28 the information for the adopted person or adoptive parent.

14.29 Sec. 22. Minnesota Statutes 2020, section 259A.75, subdivision 1, is amended to read:

14.30 Subdivision 1. **General information.** (a) Subject to the procedures required by the  
14.31 commissioner and the provisions of this section, a Minnesota county or tribal agency shall  
14.32 receive a reimbursement from the commissioner equal to 100 percent of the reasonable and

15.1 appropriate cost for contracted adoption placement services identified for a specific child  
15.2 that are not reimbursed under other federal or state funding sources.

15.3 (b) The commissioner may spend up to \$16,000 for each purchase of service contract.  
15.4 Only one contract per child per adoptive placement is permitted. Funds encumbered and  
15.5 obligated under the contract for the child remain available until the terms of the contract  
15.6 are fulfilled or the contract is terminated.

15.7 (c) The commissioner shall set aside an amount not to exceed five percent of the total  
15.8 amount of the fiscal year appropriation from the state for the adoption assistance program  
15.9 to reimburse a Minnesota county or tribal social services placing agency for child-specific  
15.10 adoption placement services. When adoption assistance payments for children's needs exceed  
15.11 95 percent of the total amount of the fiscal year appropriation from the state for the adoption  
15.12 assistance program, the amount of reimbursement available to placing agencies for adoption  
15.13 services is reduced correspondingly.

15.14 Sec. 23. Minnesota Statutes 2020, section 259A.75, subdivision 2, is amended to read:

15.15 Subd. 2. **Purchase of service contract child eligibility criteria.** ~~(a)~~ A child who is the  
15.16 subject of a purchase of service contract must:

15.17 (1) have the goal of adoption, which may include an adoption in accordance with tribal  
15.18 law;

15.19 (2) be under the guardianship of the commissioner of human services or be a ward of  
15.20 tribal court pursuant to section 260.755, subdivision 20; and

15.21 (3) meet all of the special needs criteria according to section ~~259A.10, subdivision 2~~  
15.22 256N.23, subdivision 2.

15.23 ~~(b) A child under the guardianship of the commissioner must have an identified adoptive~~  
15.24 ~~parent and a fully executed adoption placement agreement according to section 260C.613,~~  
15.25 ~~subdivision 1, paragraph (a).~~

15.26 Sec. 24. Minnesota Statutes 2020, section 259A.75, subdivision 3, is amended to read:

15.27 Subd. 3. **Agency eligibility criteria.** (a) A Minnesota county or tribal social services  
15.28 agency shall receive reimbursement for child-specific adoption placement services for an  
15.29 eligible child that it purchases from a private adoption agency licensed in Minnesota or any  
15.30 other state or tribal social services agency.

16.1 (b) Reimbursement for adoption services is available only for services provided prior  
16.2 to the date of the adoption decree.

16.3 Sec. 25. Minnesota Statutes 2020, section 259A.75, subdivision 4, is amended to read:

16.4 Subd. 4. **Application and eligibility determination.** (a) A Minnesota county or tribal  
16.5 social services agency may request reimbursement of costs for adoption placement services  
16.6 by submitting a complete purchase of service application, according to the requirements  
16.7 and procedures and on forms prescribed by the commissioner.

16.8 (b) The commissioner shall determine eligibility for reimbursement of adoption placement  
16.9 services. If determined eligible, the commissioner of human services shall sign the purchase  
16.10 of service agreement, making this a fully executed contract. No reimbursement under this  
16.11 section shall be made to an agency for services provided prior to the fully executed contract.

16.12 (c) Separate purchase of service agreements shall be made, and separate records  
16.13 maintained, on each child. Only one agreement per child per adoptive placement is permitted.  
16.14 For siblings who are placed together, services shall be planned and provided to best maximize  
16.15 efficiency of the contracted hours.

16.16 Sec. 26. Minnesota Statutes 2020, section 260C.007, subdivision 22a, is amended to read:

16.17 Subd. 22a. **Licensed residential family-based substance use disorder treatment**  
16.18 **program.** "Licensed residential family-based substance use disorder treatment program"  
16.19 means a residential treatment facility that provides the parent or guardian with parenting  
16.20 skills training, parent education, or individual and family counseling, under an organizational  
16.21 structure and treatment framework that involves understanding, recognizing, and responding  
16.22 to the effects of all types of trauma according to recognized principles of a trauma-informed  
16.23 approach and trauma-specific interventions to address the consequences of trauma and  
16.24 facilitate healing. The residential program must be licensed by the Department of Human  
16.25 Services under ~~chapter~~ chapters 245A and ~~sections 245G.01 to 245G.16, 245G.19, and~~  
16.26 ~~245G.21~~ 245G or tribally licensed or approved as a residential substance use disorder  
16.27 treatment program specializing in the treatment of clients with children.

16.28 Sec. 27. Minnesota Statutes 2020, section 260C.212, subdivision 1, is amended to read:

16.29 Subdivision 1. **Out-of-home placement; plan.** (a) An out-of-home placement plan shall  
16.30 be prepared within 30 days after any child is placed in foster care by court order or a  
16.31 voluntary placement agreement between the responsible social services agency and the  
16.32 child's parent pursuant to section 260C.227 or chapter 260D.



(b) An out-of-home placement plan means a written document which is prepared by the responsible social services agency jointly with the parent or parents or guardian of the child and in consultation with the child's guardian ad litem, the child's tribe, if the child is an Indian child, the child's foster parent or representative of the foster care facility, and, where appropriate, the child. When a child is age 14 or older, the child may include two other individuals on the team preparing the child's out-of-home placement plan. The child may select one member of the case planning team to be designated as the child's advisor and to advocate with respect to the application of the reasonable and prudent parenting standards. The responsible social services agency may reject an individual selected by the child if the agency has good cause to believe that the individual would not act in the best interest of the child. For a child in voluntary foster care for treatment under chapter 260D, preparation of the out-of-home placement plan shall additionally include the child's mental health treatment provider. For a child 18 years of age or older, the responsible social services agency shall involve the child and the child's parents as appropriate. As appropriate, the plan shall be:

(1) submitted to the court for approval under section 260C.178, subdivision 7;

(2) ordered by the court, either as presented or modified after hearing, under section 260C.178, subdivision 7, or 260C.201, subdivision 6; and

(3) signed by the parent or parents or guardian of the child, the child's guardian ad litem, a representative of the child's tribe, the responsible social services agency, and, if possible, the child.

(c) The out-of-home placement plan shall be explained to all persons involved in its implementation, including the child who has signed the plan, and shall set forth:

(1) a description of the foster care home or facility selected, including how the out-of-home placement plan is designed to achieve a safe placement for the child in the least restrictive, most family-like, setting available which is in close proximity to the home of the parent or parents or guardian of the child when the case plan goal is reunification, and how the placement is consistent with the best interests and special needs of the child according to the factors under subdivision 2, paragraph (b);

(2) the specific reasons for the placement of the child in foster care, and when reunification is the plan, a description of the problems or conditions in the home of the parent or parents which necessitated removal of the child from home and the changes the parent or parents must make for the child to safely return home;

(3) a description of the services offered and provided to prevent removal of the child from the home and to reunify the family including:

(i) the specific actions to be taken by the parent or parents of the child to eliminate or correct the problems or conditions identified in clause (2), and the time period during which the actions are to be taken; and

(ii) the reasonable efforts, or in the case of an Indian child, active efforts to be made to achieve a safe and stable home for the child including social and other supportive services to be provided or offered to the parent or parents or guardian of the child, the child, and the residential facility during the period the child is in the residential facility;

(4) a description of any services or resources that were requested by the child or the child's parent, guardian, foster parent, or custodian since the date of the child's placement in the residential facility, and whether those services or resources were provided and if not, the basis for the denial of the services or resources;

(5) the visitation plan for the parent or parents or guardian, other relatives as defined in section 260C.007, subdivision 26b or 27, and siblings of the child if the siblings are not placed together in foster care, and whether visitation is consistent with the best interest of the child, during the period the child is in foster care;

(6) when a child cannot return to or be in the care of either parent, documentation of steps to finalize adoption as the permanency plan for the child through reasonable efforts to place the child for adoption. At a minimum, the documentation must include consideration of whether adoption is in the best interests of the child, child-specific recruitment efforts such as relative search and the use of state, regional, and national adoption exchanges to facilitate orderly and timely placements in and outside of the state. A copy of this documentation shall be provided to the court in the review required under section 260C.317, subdivision 3, paragraph (b);

(7) when a child cannot return to or be in the care of either parent, documentation of steps to finalize the transfer of permanent legal and physical custody to a relative as the permanency plan for the child. This documentation must support the requirements of the kinship placement agreement under section 256N.22 and must include the reasonable efforts used to determine that it is not appropriate for the child to return home or be adopted, and reasons why permanent placement with a relative through a Northstar kinship assistance arrangement is in the child's best interest; how the child meets the eligibility requirements for Northstar kinship assistance payments; agency efforts to discuss adoption with the child's relative foster parent and reasons why the relative foster parent chose not to pursue adoption, if applicable; and agency efforts to discuss with the child's parent or parents the permanent

19.1 transfer of permanent legal and physical custody or the reasons why these efforts were not  
19.2 made;

19.3 (8) efforts to ensure the child's educational stability while in foster care for a child who  
19.4 attained the minimum age for compulsory school attendance under state law and is enrolled  
19.5 full time in elementary or secondary school, or instructed in elementary or secondary  
19.6 education at home, or instructed in an independent study elementary or secondary program,  
19.7 or incapable of attending school on a full-time basis due to a medical condition that is  
19.8 documented and supported by regularly updated information in the child's case plan.

19.9 Educational stability efforts include:

19.10 (i) efforts to ensure that the child remains in the same school in which the child was  
19.11 enrolled prior to placement or upon the child's move from one placement to another, including  
19.12 efforts to work with the local education authorities to ensure the child's educational stability  
19.13 and attendance; or

19.14 (ii) if it is not in the child's best interest to remain in the same school that the child was  
19.15 enrolled in prior to placement or move from one placement to another, efforts to ensure  
19.16 immediate and appropriate enrollment for the child in a new school;

19.17 (9) the educational records of the child including the most recent information available  
19.18 regarding:

19.19 (i) the names and addresses of the child's educational providers;

19.20 (ii) the child's grade level performance;

19.21 (iii) the child's school record;

19.22 (iv) a statement about how the child's placement in foster care takes into account  
19.23 proximity to the school in which the child is enrolled at the time of placement; and

19.24 (v) any other relevant educational information;

19.25 (10) the efforts by the responsible social services agency to ensure the oversight and  
19.26 continuity of health care services for the foster child, including:

19.27 (i) the plan to schedule the child's initial health screens;

19.28 (ii) how the child's known medical problems and identified needs from the screens,  
19.29 including any known communicable diseases, as defined in section 144.4172, subdivision  
19.30 2, shall be monitored and treated while the child is in foster care;

19.31 (iii) how the child's medical information shall be updated and shared, including the  
19.32 child's immunizations;

- 20.1 (iv) who is responsible to coordinate and respond to the child's health care needs,  
20.2 including the role of the parent, the agency, and the foster parent;
- 20.3 (v) who is responsible for oversight of the child's prescription medications;
- 20.4 (vi) how physicians or other appropriate medical and nonmedical professionals shall be  
20.5 consulted and involved in assessing the health and well-being of the child and determine  
20.6 the appropriate medical treatment for the child; and
- 20.7 (vii) the responsibility to ensure that the child has access to medical care through either  
20.8 medical insurance or medical assistance;
- 20.9 (11) the health records of the child including information available regarding:
- 20.10 (i) the names and addresses of the child's health care and dental care providers;
- 20.11 (ii) a record of the child's immunizations;
- 20.12 (iii) the child's known medical problems, including any known communicable diseases  
20.13 as defined in section 144.4172, subdivision 2;
- 20.14 (iv) the child's medications; and
- 20.15 (v) any other relevant health care information such as the child's eligibility for medical  
20.16 insurance or medical assistance;
- 20.17 (12) an independent living plan for a child 14 years of age or older, developed in  
20.18 consultation with the child. The child may select one member of the case planning team to  
20.19 be designated as the child's advisor and to advocate with respect to the application of the  
20.20 reasonable and prudent parenting standards in subdivision 14. The plan should include, but  
20.21 not be limited to, the following objectives:
- 20.22 (i) educational, vocational, or employment planning;
- 20.23 (ii) health care planning and medical coverage;
- 20.24 (iii) transportation including, where appropriate, assisting the child in obtaining a driver's  
20.25 license;
- 20.26 (iv) money management, including the responsibility of the responsible social services  
20.27 agency to ensure that the child annually receives, at no cost to the child, a consumer report  
20.28 as defined under section 13C.001 and assistance in interpreting and resolving any inaccuracies  
20.29 in the report;
- 20.30 (v) planning for housing;
- 20.31 (vi) social and recreational skills;

21.1 (vii) establishing and maintaining connections with the child's family and community;  
21.2 and

21.3 (viii) regular opportunities to engage in age-appropriate or developmentally appropriate  
21.4 activities typical for the child's age group, taking into consideration the capacities of the  
21.5 individual child;

21.6 (13) for a child in voluntary foster care for treatment under chapter 260D, diagnostic  
21.7 and assessment information, specific services relating to meeting the mental health care  
21.8 needs of the child, and treatment outcomes;

21.9 (14) for a child 14 years of age or older, a signed acknowledgment that describes the  
21.10 child's rights regarding education, health care, visitation, safety and protection from  
21.11 exploitation, and court participation; receipt of the documents identified in section 260C.452;  
21.12 and receipt of an annual credit report. The acknowledgment shall state that the rights were  
21.13 explained in an age-appropriate manner to the child; and

21.14 (15) for a child placed in a qualified residential treatment program, the plan must include  
21.15 the requirements in section 260C.708.

21.16 (d) The parent or parents or guardian and the child each shall have the right to legal  
21.17 counsel in the preparation of the case plan and shall be informed of the right at the time of  
21.18 placement of the child. The child shall also have the right to a guardian ad litem. If unable  
21.19 to employ counsel from their own resources, the court shall appoint counsel upon the request  
21.20 of the parent or parents or the child or the child's legal guardian. The parent or parents may  
21.21 also receive assistance from any person or social services agency in preparation of the case  
21.22 plan.

21.23 After the plan has been agreed upon by the parties involved or approved or ordered by  
21.24 the court, the foster parents shall be fully informed of the provisions of the case plan and  
21.25 shall be provided a copy of the plan.

21.26 Upon the child's discharge from foster care, the responsible social services agency must  
21.27 provide the child's parent, adoptive parent, or permanent legal and physical custodian, as  
21.28 appropriate, and the child, if appropriate, must be provided the child is 14 years of age or  
21.29 older, with a current copy of the child's health and education record. If a child meets the  
21.30 conditions in subdivision 15, paragraph (b), the agency must also provide the child with the  
21.31 child's social and medical history. The responsible social services agency may give a copy  
21.32 of the child's health and education record and social and medical history to a child who is  
21.33 younger than 14 years of age, if it is appropriate and if subdivision 15, paragraph (b), applies.

22.1 Sec. 28. Minnesota Statutes 2020, section 260C.212, subdivision 2, is amended to read:

22.2 Subd. 2. **Placement decisions based on best interests of the child.** (a) The policy of  
22.3 the state of Minnesota is to ensure that the child's best interests are met by requiring an  
22.4 individualized determination of the needs of the child and of how the selected placement  
22.5 will serve the needs of the child being placed. The authorized child-placing agency shall  
22.6 place a child, released by court order or by voluntary release by the parent or parents, in a  
22.7 family foster home selected by considering placement with relatives and important friends  
22.8 in the following order:

22.9 (1) with an individual who is related to the child by blood, marriage, or adoption,  
22.10 including the legal parent, guardian, or custodian of the child's siblings; or

22.11 (2) with an individual who is an important friend with whom the child has resided or  
22.12 had significant contact.

22.13 For an Indian child, the agency shall follow the order of placement preferences in the Indian  
22.14 Child Welfare Act of 1978, United States Code, title 25, section 1915.

22.15 (b) Among the factors the agency shall consider in determining the needs of the child  
22.16 are the following:

22.17 (1) the child's current functioning and behaviors;

22.18 (2) the medical needs of the child;

22.19 (3) the educational needs of the child;

22.20 (4) the developmental needs of the child;

22.21 (5) the child's history and past experience;

22.22 (6) the child's religious and cultural needs;

22.23 (7) the child's connection with a community, school, and faith community;

22.24 (8) the child's interests and talents;

22.25 (9) the child's relationship to current caretakers, parents, siblings, and relatives;

22.26 (10) the reasonable preference of the child, if the court, or the child-placing agency in  
22.27 the case of a voluntary placement, deems the child to be of sufficient age to express  
22.28 preferences; and

22.29 (11) for an Indian child, the best interests of an Indian child as defined in section 260.755,  
22.30 subdivision 2a.

(c) Placement of a child cannot be delayed or denied based on race, color, or national origin of the foster parent or the child.

(d) Siblings should be placed together for foster care and adoption at the earliest possible time unless it is documented that a joint placement would be contrary to the safety or well-being of any of the siblings or unless it is not possible after reasonable efforts by the responsible social services agency. In cases where siblings cannot be placed together, the agency is required to provide frequent visitation or other ongoing interaction between siblings unless the agency documents that the interaction would be contrary to the safety or well-being of any of the siblings.

(e) Except for emergency placement as provided for in section 245A.035, the following requirements must be satisfied before the approval of a foster or adoptive placement in a related or unrelated home: (1) a completed background study under section 245C.08; and (2) a completed review of the written home study required under section 260C.215, subdivision 4, clause (5), or 260C.611, to assess the capacity of the prospective foster or adoptive parent to ensure the placement will meet the needs of the individual child.

(f) The agency must determine whether colocation with a parent who is receiving services in a licensed residential family-based substance use disorder treatment program is in the child's best interests according to paragraph (b) and include that determination in the child's case plan under subdivision 1. The agency may consider additional factors not identified in paragraph (b). The agency's determination must be documented in the child's case plan before the child is colocated with a parent.

(g) The agency must establish a juvenile treatment screening team under section 260C.157 to determine whether it is necessary and appropriate to recommend placing a child in a qualified residential treatment program, as defined in section 260C.007, subdivision 26d.

Sec. 29. Minnesota Statutes 2020, section 260C.212, is amended by adding a subdivision to read:

**Subd. 15. Social and medical history.** (a) The responsible social services agency must complete each child's social and medical history using forms developed by the commissioner. The responsible social services agency must work with each child's birth family, foster family, medical and treatment providers, and school to ensure that there is a detailed and up-to-date social and medical history of the child on forms provided by the commissioner.

(b) If the child continues to be in placement out of the home of the parent or guardian from whom the child was removed, reasonable efforts by the responsible social services

24.1 agency to complete the child's social and medical history must begin no later than the child's  
24.2 permanency progress review hearing required under section 260C.204 or six months after  
24.3 the child's placement in foster care, whichever occurs earlier.

24.4 (c) In a child's social and medical history, the responsible social services agency must  
24.5 include background information and health history specific to the child, the child's birth  
24.6 parents, and the child's other birth relatives. Applicable background and health information  
24.7 about the child includes the child's current health condition, behavior, and demeanor;  
24.8 placement history; education history; sibling information; and birth, medical, dental, and  
24.9 immunization information. Redacted copies of pertinent records, assessments, and evaluations  
24.10 must be attached to the child's social and medical history. Applicable background information  
24.11 about the child's birth parents and other birth relatives includes general background  
24.12 information; education and employment history; physical health and mental health history;  
24.13 and reasons for the child's placement.

24.14 Sec. 30. Minnesota Statutes 2020, section 260C.219, subdivision 5, is amended to read:

24.15 Subd. 5. **Children reaching age of majority; copies of records.** Regardless of whether  
24.16 a child is under state guardianship or not, if a child leaves foster care by reason of having  
24.17 attained the age of majority under state law, the child must be given at no cost a copy of  
24.18 the child's social and medical history, as ~~defined~~ described in section ~~259.43~~, 260C.212,  
24.19 subdivision 15, including the child's health and education report.

24.20 Sec. 31. Minnesota Statutes 2020, section 260C.503, subdivision 2, is amended to read:

24.21 Subd. 2. **Termination of parental rights.** (a) The responsible social services agency  
24.22 must ask the county attorney to immediately file a termination of parental rights petition  
24.23 when:

24.24 (1) the child has been subjected to egregious harm as defined in section 260C.007,  
24.25 subdivision 14;

24.26 (2) the child is determined to be the sibling of a child who was subjected to egregious  
24.27 harm;

24.28 (3) the child is an abandoned infant as defined in section 260C.301, subdivision 2,  
24.29 paragraph (a), clause (2);

24.30 (4) the child's parent has lost parental rights to another child through an order involuntarily  
24.31 terminating the parent's rights;



(5) the parent has committed sexual abuse as defined in section 260E.03, against the child or another child of the parent;

(6) the parent has committed an offense that requires registration as a predatory offender under section 243.166, subdivision 1b, paragraph (a) or (b); or

(7) another child of the parent is the subject of an order involuntarily transferring permanent legal and physical custody of the child to a relative under this chapter or a similar law of another jurisdiction;

The county attorney shall file a termination of parental rights petition unless the conditions of paragraph (d) are met.

(b) When the termination of parental rights petition is filed under this subdivision, the responsible social services agency shall identify, recruit, and approve an adoptive family for the child. If a termination of parental rights petition has been filed by another party, the responsible social services agency shall be joined as a party to the petition.

(c) If criminal charges have been filed against a parent arising out of the conduct alleged to constitute egregious harm, the county attorney shall determine which matter should proceed to trial first, consistent with the best interests of the child and subject to the defendant's right to a speedy trial.

(d) The requirement of paragraph (a) does not apply if the responsible social services agency and the county attorney determine and file with the court:

(1) a petition for transfer of permanent legal and physical custody to a relative under sections 260C.505 and 260C.515, subdivision 3~~3~~4, including a determination that adoption is not in the child's best interests and that transfer of permanent legal and physical custody is in the child's best interests; or

(2) a petition under section 260C.141 alleging the child, and where appropriate, the child's siblings, to be in need of protection or services accompanied by a case plan prepared by the responsible social services agency documenting a compelling reason why filing a termination of parental rights petition would not be in the best interests of the child.

Sec. 32. Minnesota Statutes 2020, section 260C.515, subdivision 3, is amended to read:

Subd. 3. **Guardianship; commissioner.** The court may issue an order that the child is under the guardianship to ~~of~~ the commissioner of human services under the following procedures and conditions:

(1) there is an identified prospective adoptive parent agreed to by the responsible social services agency ~~having~~ that has legal custody of the child pursuant to court order under this chapter and that prospective adoptive parent has agreed to adopt the child;

(2) the court accepts the parent's voluntary consent to adopt in writing on a form prescribed by the commissioner, executed before two competent witnesses and confirmed by the consenting parent before the court or executed before the court. The consent shall contain notice that consent given under this chapter:

(i) is irrevocable upon acceptance by the court unless fraud is established and an order is issued permitting revocation as stated in clause (9) unless the matter is governed by the Indian Child Welfare Act, United States Code, title 25, section 1913(c); and

(ii) will result in an order that the child is under the guardianship of the commissioner of human services;

(3) a consent executed and acknowledged outside of this state, either in accordance with the law of this state or in accordance with the law of the place where executed, is valid;

(4) the court must review the matter at least every 90 days under section 260C.317;

(5) a consent to adopt under this subdivision vests guardianship of the child with the commissioner of human services and makes the child a ward of the commissioner of human services under section 260C.325;

(6) the court must forward to the commissioner a copy of the consent to adopt, together with a certified copy of the order transferring guardianship to the commissioner;

(7) if an adoption is not finalized by the identified prospective adoptive parent within six months of the execution of the consent to adopt under this clause, the responsible social services agency shall pursue adoptive placement in another home unless the court finds in a hearing under section 260C.317 that the failure to finalize is not due to either an action or a failure to act by the prospective adoptive parent;

(8) notwithstanding clause (7), the responsible social services agency must pursue adoptive placement in another home as soon as the agency determines that finalization of the adoption with the identified prospective adoptive parent is not possible, that the identified prospective adoptive parent is not willing to adopt the child, or that the identified prospective adoptive parent is not cooperative in completing the steps necessary to finalize the adoption. The court may order a termination of parental rights under subdivision 2; and

(9) unless otherwise required by the Indian Child Welfare Act, United States Code, title 25, section 1913(c), a consent to adopt executed under this section shall be irrevocable upon

27.1 acceptance by the court except upon order permitting revocation issued by the same court  
27.2 after written findings that consent was obtained by fraud.

27.3 Sec. 33. Minnesota Statutes 2020, section 260C.605, subdivision 1, is amended to read:

27.4 Subdivision 1. **Requirements.** (a) Reasonable efforts to finalize the adoption of a child  
27.5 under the guardianship of the commissioner shall be made by the responsible social services  
27.6 agency responsible for permanency planning for the child.

27.7 (b) Reasonable efforts to make a placement in a home according to the placement  
27.8 considerations under section 260C.212, subdivision 2, with a relative or foster parent who  
27.9 will commit to being the permanent resource for the child in the event the child cannot be  
27.10 reunified with a parent are required under section 260.012 and may be made concurrently  
27.11 with reasonable, or if the child is an Indian child, active efforts to reunify the child with the  
27.12 parent.

27.13 (c) Reasonable efforts under paragraph (b) must begin as soon as possible when the  
27.14 child is in foster care under this chapter, but not later than the hearing required under section  
27.15 260C.204.

27.16 (d) Reasonable efforts to finalize the adoption of the child include:

27.17 (1) using age-appropriate engagement strategies to plan for adoption with the child;

27.18 (2) identifying an appropriate prospective adoptive parent for the child by updating the  
27.19 child's identified needs using the factors in section 260C.212, subdivision 2;

27.20 (3) making an adoptive placement that meets the child's needs by:

27.21 (i) completing or updating the relative search required under section 260C.221 and giving  
27.22 notice of the need for an adoptive home for the child to:

27.23 (A) relatives who have kept the agency or the court apprised of their whereabouts and  
27.24 who have indicated an interest in adopting the child; or

27.25 (B) relatives of the child who are located in an updated search;

27.26 (ii) an updated search is required whenever:

27.27 (A) there is no identified prospective adoptive placement for the child notwithstanding  
27.28 a finding by the court that the agency made diligent efforts under section 260C.221, in a  
27.29 hearing required under section 260C.202;

27.30 (B) the child is removed from the home of an adopting parent; or

28.1 (C) the court determines a relative search by the agency is in the best interests of the  
28.2 child;

28.3 (iii) engaging the child's foster parent and the child's relatives identified as an adoptive  
28.4 resource during the search conducted under section 260C.221, to commit to being the  
28.5 prospective adoptive parent of the child; or

28.6 (iv) when there is no identified prospective adoptive parent:

28.7 (A) registering the child on the state adoption exchange as required in section 259.75  
28.8 unless the agency documents to the court an exception to placing the child on the state  
28.9 adoption exchange reported to the commissioner;

28.10 (B) reviewing all families with approved adoption home studies associated with the  
28.11 responsible social services agency;

28.12 (C) presenting the child to adoption agencies and adoption personnel who may assist  
28.13 with finding an adoptive home for the child;

28.14 (D) using newspapers and other media to promote the particular child;

28.15 (E) using a private agency under grant contract with the commissioner to provide adoption  
28.16 services for intensive child-specific recruitment efforts; and

28.17 (F) making any other efforts or using any other resources reasonably calculated to identify  
28.18 a prospective adoption parent for the child;

28.19 (4) updating and completing the social and medical history required under sections  
28.20 ~~259.43~~ 260C.212, subdivision 15, and 260C.609;

28.21 (5) making, and keeping updated, appropriate referrals required by section 260.851, the  
28.22 Interstate Compact on the Placement of Children;

28.23 (6) giving notice regarding the responsibilities of an adoptive parent to any prospective  
28.24 adoptive parent as required under section 259.35;

28.25 (7) offering the adopting parent the opportunity to apply for or decline adoption assistance  
28.26 under chapter ~~259A~~ 256N;

28.27 (8) certifying the child for adoption assistance, assessing the amount of adoption  
28.28 assistance, and ascertaining the status of the commissioner's decision on the level of payment  
28.29 if the adopting parent has applied for adoption assistance;

28.30 (9) placing the child with siblings. If the child is not placed with siblings, the agency  
28.31 must document reasonable efforts to place the siblings together, as well as the reason for

separation. The agency may not cease reasonable efforts to place siblings together for final adoption until the court finds further reasonable efforts would be futile or that placement together for purposes of adoption is not in the best interests of one of the siblings; and

(10) working with the adopting parent to file a petition to adopt the child and with the court administrator to obtain a timely hearing to finalize the adoption.

Sec. 34. Minnesota Statutes 2020, section 260C.607, subdivision 6, is amended to read:

**Subd. 6. Motion and hearing to order adoptive placement.** (a) At any time after the district court orders the child under the guardianship of the commissioner of human services, but not later than 30 days after receiving notice required under section 260C.613, subdivision 1, paragraph (c), that the agency has made an adoptive placement, a relative or the child's foster parent may file a motion for an order for adoptive placement of a child who is under the guardianship of the commissioner if the relative or the child's foster parent:

(1) has an adoption home study under section 259.41 approving the relative or foster parent for adoption and has been a resident of Minnesota for at least six months before filing the motion; the court may waive the residency requirement for the moving party if there is a reasonable basis to do so; or

(2) is not a resident of Minnesota, but has an approved adoption home study by an agency licensed or approved to complete an adoption home study in the state of the individual's residence and the study is filed with the motion for adoptive placement.

(b) The motion shall be filed with the court conducting reviews of the child's progress toward adoption under this section. The motion and supporting documents must make a prima facie showing that the agency has been unreasonable in failing to make the requested adoptive placement. The motion must be served according to the requirements for motions under the Minnesota Rules of Juvenile Protection Procedure and shall be made on all individuals and entities listed in subdivision 2.

(c) If the motion and supporting documents do not make a prima facie showing for the court to determine whether the agency has been unreasonable in failing to make the requested adoptive placement, the court shall dismiss the motion. If the court determines a prima facie basis is made, the court shall set the matter for evidentiary hearing.

(d) At the evidentiary hearing, the responsible social services agency shall proceed first with evidence about the reason for not making the adoptive placement proposed by the moving party. The moving party then has the burden of proving by a preponderance of the evidence that the agency has been unreasonable in failing to make the adoptive placement.

(e) At the conclusion of the evidentiary hearing, if the court finds that the agency has been unreasonable in failing to make the adoptive placement and that the relative or the child's foster parent is the most suitable adoptive home to meet the child's needs using the factors in section 260C.212, subdivision 2, paragraph (b), the court may order the responsible social services agency to make an adoptive placement in the home of the relative or the child's foster parent.

(f) If, in order to ensure that a timely adoption may occur, the court orders the responsible social services agency to make an adoptive placement under this subdivision, the agency shall:

(1) make reasonable efforts to obtain a fully executed adoption placement agreement;

(2) work with the moving party regarding eligibility for adoption assistance as required under chapter ~~259A~~ 256N; and

(3) if the moving party is not a resident of Minnesota, timely refer the matter for approval of the adoptive placement through the Interstate Compact on the Placement of Children.

(g) Denial or granting of a motion for an order for adoptive placement after an evidentiary hearing is an order which may be appealed by the responsible social services agency, the moving party, the child, when age ten or over, the child's guardian ad litem, and any individual who had a fully executed adoption placement agreement regarding the child at the time the motion was filed if the court's order has the effect of terminating the adoption placement agreement. An appeal shall be conducted according to the requirements of the Rules of Juvenile Protection Procedure.

Sec. 35. Minnesota Statutes 2020, section 260C.609, is amended to read:

**260C.609 SOCIAL AND MEDICAL HISTORY.**

~~(a) The responsible social services agency shall work with the birth family of the child, foster family, medical and treatment providers, and the child's school to ensure there is a detailed, thorough, and currently up-to-date social and medical history of the child as required under section 259.43 on the forms required by the commissioner.~~

~~(b) When the child continues in foster care, the agency's reasonable efforts to complete the history shall begin no later than the permanency progress review hearing required under section 260C.204 or six months after the child's placement in foster care.~~

~~(c)~~ (a) The responsible social services agency shall thoroughly discuss the child's history with the adopting prospective adoptive parent of the child and shall give a redacted copy

31.1 of ~~the report~~ of the child's social and medical history as described in section 260C.212,  
31.2 subdivision 15, including redacted attachments, to the adopting prospective adoptive parent.  
31.3 If the prospective adoptive parent does not pursue adoption of the child, the prospective  
31.4 adoptive parent must return the child's social and medical history and redacted attachments  
31.5 to the agency. The responsible social services agency may give a redacted copy of the child's  
31.6 social and medical history may also be given to the child, as appropriate according to section  
31.7 260C.212, subdivision 1.

31.8 ~~(d)~~ (b) The report shall not include information that identifies birth relatives. Redacted  
31.9 copies of all of the child's relevant evaluations, assessments, and records must be attached  
31.10 to the social and medical history.

31.11 (c) The agency must submit the child's social and medical history to the Department of  
31.12 Human Services at the time that the agency submits the child's adoption placement agreement.  
31.13 Pursuant to section 260C.623, subdivision 4, the child's social and medical history must be  
31.14 submitted to the court at the time the adoption petition is filed with the court.

31.15 Sec. 36. Minnesota Statutes 2020, section 260C.615, is amended to read:

31.16 **260C.615 DUTIES OF COMMISSIONER.**

31.17 Subdivision 1. **Duties.** (a) For any child who is under the guardianship of the  
31.18 commissioner, the commissioner has the exclusive rights to consent to:

31.19 (1) the medical care plan for the treatment of a child who is at imminent risk of death  
31.20 or who has a chronic disease that, in a physician's judgment, will result in the child's death  
31.21 in the near future including a physician's order not to resuscitate or intubate the child; and

31.22 (2) the child donating a part of the child's body to another person while the child is living;  
31.23 the decision to donate a body part under this clause shall take into consideration the child's  
31.24 wishes and the child's culture.

31.25 (b) In addition to the exclusive rights under paragraph (a), the commissioner has a duty  
31.26 to:

31.27 (1) process any complete and accurate request for home study and placement through  
31.28 the Interstate Compact on the Placement of Children under section 260.851;

31.29 (2) process any complete and accurate application for adoption assistance forwarded by  
31.30 the responsible social services agency according to chapter ~~259A~~ 256N;

32.1 (3) ~~complete the execution of~~ review and process an adoption placement agreement  
32.2 forwarded to the commissioner by the responsible social services agency and return it to  
32.3 the agency in a timely fashion; and

32.4 (4) maintain records as required in chapter 259.

32.5 Subd. 2. **Duties not reserved.** All duties, obligations, and consents not specifically  
32.6 reserved to the commissioner in this section are delegated to the responsible social services  
32.7 agency, subject to supervision by the commissioner under section 393.07.

32.8 Sec. 37. **REPEALER.**

32.9 Minnesota Statutes 2020, section 259A.70, is repealed.



APPENDIX  
Repealed Minnesota Statutes: 21-02972

No active language found for: 259A.70