

(e) Food stamp overpayment claims which are due in whole or in part to client error shall be established by the county agency for a period of six years from the date of any resultant overpayment.

(f) With regard to the federal tax revenue offset program only, recovery incentives authorized by the federal food and consumer service shall be retained at the rate of 50 percent by the state agency and 50 percent by the certifying county agency.

(g) A peace officer, welfare fraud investigator, federal law enforcement official, or the commissioner of health may confiscate vouchers found in the possession of any person who is neither issued vouchers under sections 145.891 to 145.897, nor otherwise authorized to possess and use such vouchers. Confiscated property shall be disposed of as the commissioner of health may direct and consistent with state and federal law. The confiscated property must be retained for a period of not less than 30 days.

Sec. 27. FUNDING AVAILABILITY.

Unexpended funds appropriated for the provision of program integrity activities for fiscal year 1998 will also be available to the commissioner to fund fraud prevention and control initiatives and do not cancel but are available to the commissioner for these purposes for fiscal year 1999. Unexpended funds may be transferred between the fraud prevention investigation program and fraud control programs to promote the provisions of sections 256.983 and 256.9861.

Sec. 28. EFFECTIVE DATE.

Sections 1 to 27 are effective July 1, 1997.

Presented to the governor April 29, 1997

Signed by the governor April 30, 1997, 2:12 p.m.

CHAPTER 86—H.F.No. 209

An act relating to human services; changing provisions for placement of children; amending Minnesota Statutes 1996, sections 257.071, subdivisions 1a and 7; 257.072, subdivisions 1, 2, 3, 4, 7, and 9; 259.29; 259.57, subdivision 2; 259.77; 260.181, subdivision 3; and 260.191, subdivision 1a.

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

Section 1. Minnesota Statutes 1996, section 257.071, subdivision 1a, is amended to read:

Subd. 1a. **PROTECTION OF HERITAGE OR BACKGROUND PLACEMENT DECISIONS BASED ON BEST INTEREST OF THE CHILD.** The authorized child-placing agency shall (a) The policy of the state of Minnesota is to ensure that the child's best interests are met by giving due, not sole, consideration of the child's race or ethnic heritage in making a family foster care placement. requiring an individualized determination of the needs of the child and of how the selected placement will serve the

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needs of the child being placed. The authorized child-placing agency shall place a child, released by court order or by voluntary release by the parent or parents, in a family foster home selected by following the preferences described in considering placement with relatives and important friends consistent with section 260.181, subdivision 3.

(b) Among the factors the agency shall consider in determining the needs of the child are those specified under section 260.181, subdivision 3, paragraph (b).

When there is not a family foster home of the same race or ethnic heritage available that can meet the needs of the child, the agency must place the child in a home of a foster family that is of different racial or ethnic heritage that can meet the needs of the child. (c) Placement of a child cannot be delayed or denied based solely on race, color, or national origin of the foster parent or the child. Whenever possible, siblings should be placed together unless it is determined not to be in the best interests of a sibling.

Sec. 2. Minnesota Statutes 1996, section 257.071, subdivision 7, is amended to read:

Subd. 7. **RULES.** By December 31, 1989, The commissioner shall revise Minnesota Rules, parts 9545.0010 to 9545.0260, the rules setting standards for family and group family foster care. The commissioner shall:

(1) require that, as a condition of licensure, foster care providers attend training on the importance of protecting understanding and validating the cultural heritage within the meaning of Laws 1983, chapter 278, the Indian Child Welfare Act, Public Law Number 95-608, and the Minnesota Indian family preservation act, sections 257.35 to 257.3579 of all children in their care, and on the importance of the Indian Child Welfare Act, United States Code, title 25, sections 1901 to 1923, and the Minnesota Indian Family Preservation Act, sections 257.35 to 257.3579; and

(2) review and, where necessary, revise foster care rules to reflect sensitivity to cultural diversity and differing lifestyles. Specifically, the commissioner shall examine whether space and other requirements discriminate against single-parent, minority, or low-income families who may be able to provide quality foster care reflecting the values of their own respective cultures.

Sec. 3. Minnesota Statutes 1996, section 257.072, subdivision 1, is amended to read:

Subdivision 1. **RECRUITMENT OF FOSTER FAMILIES.** Each authorized child-placing agency shall make special efforts to recruit a foster family from among the child's relatives, except as authorized in section 260.181, subdivision 3. In recruiting placements for each child, the agency must focus on that child's particular needs and the capacities of the particular prospective foster parents to meet those needs. Each agency shall provide for diligent recruitment of potential foster families that reflect the ethnic and racial diversity of the children in the state for whom foster homes are needed. Special efforts include contacting and working with community organizations and religious organizations and may include contracting with these organizations, utilizing local media and other local resources, conducting outreach activities, and increasing the number of minority recruitment staff employed by the agency. The requirement of special efforts to locate relatives in this section is satisfied if the responsible child-placing agency has made appropriate efforts for six months following the child's placement in a residential facility and the court approves the agency's efforts pursuant to section 260.191, subdivision 3a. The agency may accept any gifts, grants, offers of services, and other contributions to use in making special recruitment efforts.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 4. Minnesota Statutes 1996, section 257.072, subdivision 2, is amended to read:

Subd. 2. **DUTIES OF COMMISSIONER.** The commissioner of human services shall:

(1) in cooperation with child-placing agencies, develop a cost-effective campaign using radio and television to recruit minority adoptive and foster families that reflect the ethnic and racial diversity of children in the state for whom adoptive and foster homes are needed; and

(2) require that agency staff people who work in the area of minority adoption and foster family recruitment attend participate in cultural sensitivity competency training; and

(3) monitor the record keeping, licensing, placement preference, recruitment, re-view, and reporting requirements of the minority child heritage protection act, Laws 1983, chapter 278.

Sec. 5. Minnesota Statutes 1996, section 257.072, subdivision 3, is amended to read:

Subd. 3. **MINORITY RECRUITMENT SPECIALIST.** The commissioner shall designate a permanent professional staff position for a minority recruitment specialist of foster and adoptive families. The minority recruitment specialist shall provide services to child-placing agencies seeking to recruit minority adoptive and foster care families and qualified minority professional staff. The minority recruitment specialist shall:

(1) develop materials for use by the agencies in training staff;

(2) conduct in-service workshops for agency personnel;

(3) provide consultation, technical assistance, and other appropriate services to agencies wishing to strengthen and improve service delivery to minority diverse populations; and

(4) conduct workshops for foster care and adoption recruiters to evaluate the effectiveness of techniques for recruiting minority foster and adoptive families; and

(5) perform other duties as assigned by the commissioner to implement the minority child heritage protection act and the Minnesota Indian Family Preservation Act, sections 257.35 to 257.3579.

Upon recommendation of the minority recruitment specialist, The commissioner may contract for portions of these services.

Sec. 6. Minnesota Statutes 1996, section 257.072, subdivision 4, is amended to read:

Subd. 4. **CONSULTATION WITH MINORITY REPRESENTATIVES.** The commissioner of human services shall, after seeking and considering advice from representatives reflecting diverse populations from the councils established under sections 3.922, 3.9223, 3.9225, and 3.9226, and other state, local, and community organizations shall:

(1) review, and where necessary, revise the department of human services social service manual and practice guide to reflect the scope and intent of Laws 1983, chapter 278 federal and state policy direction on placement of children;

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(2) develop criteria for determining whether a prospective adoptive or foster family is “knowledgeable and appreciative” as the term is used in section 260.181, subdivision 3 has the ability to understand and validate the child’s cultural background;

(3) develop a standardized training curriculum for adoption and foster care workers, family-based providers, and administrators who work with minority and special needs children. Training must address the following subjects objectives:

(a) developing and maintaining sensitivity to other all cultures;

(b) assessing values and their cultural implications; and

(c) implementing the minority child heritage protection act, Laws 1983, chapter 278, and the Minnesota Indian family preservation act, sections 257.35 to 257.3579 making individualized decisions that advance the best interests of a particular child under section 257.071, subdivision 1a;

(4) develop a training curriculum for family and extended family members of minority adoptive and foster children. The curriculum must address issues relating to cross-cultural placements as well as issues that arise after a foster or adoptive placement is made; and

(5) develop and provide to agencies an assessment tool to be used in combination with group interviews and other preplacement activities to evaluate prospective adoptive and foster families of minority children. The tool must assess problem-solving skills; identify parenting skills; and, when required by section 260.181, subdivision 3, evaluate the degree to which the prospective family is knowledgeable and appreciative of racial and ethnic differences has the ability to understand and validate the child’s cultural background.

Sec. 7. Minnesota Statutes 1996, section 257.072, subdivision 7, is amended to read:

Subd. 7. **DUTIES OF CHILD-PLACING AGENCIES.** Each authorized child-placing agency must:

(1) develop and follow procedures for implementing the order of preference prescribed by requirements of section 260.181, subdivision 3, and the Indian Child Welfare Act, United States Code, title 25, sections 1901 to 1923;

(a) In implementing the order of preference requirement to consider relatives for placement, an authorized child-placing agency may disclose private or confidential data, as defined in section 13.02, to relatives of the child for the purpose of locating a suitable placement. The agency shall disclose only data that is necessary to facilitate implementing the preference. If a parent makes an explicit request that the relative preference not be followed, the agency shall bring the matter to the attention of the court to determine whether the parent’s request is consistent with the best interests of the child and the agency shall not contact relatives unless ordered to do so by the juvenile court; and

(b) In determining the suitability of a proposed placement of an Indian child, the standards to be applied must be the prevailing social and cultural standards of the Indian child’s community, and the agency shall defer to tribal judgment as to suitability of a particular home when the tribe has intervened pursuant to the Indian Child Welfare Act;

(2) have a written plan for recruiting minority adoptive and foster families that reflect the ethnic and racial diversity of children who are in need of foster and adoptive

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homes. The plan must include (a) strategies for using existing resources in minority diverse communities, (b) use of minority diverse outreach staff wherever possible, (c) use of minority diverse foster homes for placements after birth and before adoption, and (d) other techniques as appropriate;

(3) have a written plan for training adoptive and foster families of minority children;

(4) if located in an area with a significant minority population, have a written plan for employing minority social workers staff in adoption and foster care who have the capacity to assess the foster and adoptive parents' ability to understand and validate a child's cultural needs, and to advance the best interests of the child. The plan must include staffing goals and objectives;

(5) ensure that adoption and foster care workers attend training offered or approved by the department of human services regarding cultural diversity and the needs of special needs children; and

(6) develop and implement procedures for implementing the requirements of the Indian Child Welfare Act and the Minnesota Indian Family Preservation Act.

Sec. 8. Minnesota Statutes 1996, section 257.072, subdivision 9, is amended to read:

Subd. 9. **RULES.** The commissioner of human services shall adopt rules to establish standards for conducting relative searches, and recruiting foster and adoptive families of the same racial or ethnic heritage as the child, and evaluating the role of relative status in the reconsideration of disqualifications under section 245A.04, subdivision 3b, and granting variances of licensing requirements under section 245A.04, subdivision 9, in licensing or approving an individual related to a child.

Sec. 9. Minnesota Statutes 1996, section 259.29, is amended to read:

259.29 PROTECTION OF HERITAGE OR BACKGROUND BEST INTERESTS IN ADOPTIVE PLACEMENTS.

Subdivision 1. BEST INTERESTS OF THE CHILD. (a) The policy of the state of Minnesota is to ensure that the best interests of the child are met by requiring due, not sole, consideration of the child's race or ethnic heritage in adoption placements. For purposes of intercountry adoptions, due consideration is deemed to have occurred if the appropriate authority in the child's country of birth has approved the placement of the child. Individualized determination of the needs of the child and of how the adoptive placement will serve the needs of the child.

(b) Among the factors the agency shall consider in determining the needs of the child are those specified under section 260.181, subdivision 3, paragraph (b).

Subd. 2. PLACEMENT WITH RELATIVE OR FRIEND. The authorized child-placing agency shall give preference, in the absence of good cause to the contrary, to placing the child with (a) a relative or relatives of the child, or, if that would be detrimental to the child or a relative is not available, (b) an important friend with whom the child has resided or had significant contact, or if that is not possible, (c) a family with the same racial or ethnic heritage as the child, or, if that is not feasible, (d) a family of different racial or ethnic heritage from the child which is knowledgeable and appreciative of the child's racial or ethnic heritage. consider placement, consistent with the child's best

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interests and in the following order, with (1) a relative or relatives of the child, or (2) an important friend with whom the child has resided or had significant contact. In implementing the order of preference this section, an authorized child-placing agency may disclose private or confidential data, as defined in section 13.02, to relatives of the child for the purpose of locating a suitable adoptive home. The agency shall disclose only data that is necessary to facilitate implementing the preference.

If the child's birth parent or parents explicitly request that the preference described in clause (a), (b), or (c) placement with relatives or important friends not be followed considered, the authorized child-placing agency shall honor that request consistent with the best interests of the child.

If the child's birth parent or parents express a preference for placing the child in an adoptive home of the same or a similar religious background to that of the birth parent or parents, in following the preferences in clause (a), (b), or (c), the agency shall place the child with a family that also meets the birth parent's religious preference. Only if no family is available that is described in clause (a), (b), or (c) may the agency give preference to a family described in clause (d) that meets the parent's religious preference.

This subdivision does not affect the Indian Child Welfare Act, United States Code, title 25, sections 1901 to 1923, and the Minnesota Indian Family Preservation Act, sections 257.35 to 257.3579.

Sec. 10. Minnesota Statutes 1996, section 259.57, subdivision 2, is amended to read:

Subd. 2. **PROTECTION OF HERITAGE OR BACKGROUND THE CHILD'S BEST INTERESTS.** (a) The policy of the state of Minnesota is to ensure that the best interests of children are met by requiring due, not sole, consideration of the child's race or ethnic heritage in adoption placements. For purposes of intercountry adoptions, due consideration is deemed to have occurred if the appropriate authority in the child's country of birth has approved the placement of the child an individualized determination of the needs of the child and how the adoptive placement will serve the needs of the child.

(b) Among the factors the court shall consider in determining the needs of the child are those specified under section 260.181, subdivision 3, paragraph (b).

(c) In reviewing adoptive placement, the court shall consider preference, and in determining appropriate adoption, the court shall give preference, in the absence of good cause to the contrary, to (a) consider placement, consistent with the child's best interests and in the following order, with (1) a relative or relatives of the child, or, if that would be detrimental to the child or a relative is not available, to (b) a family with the same racial or ethnic heritage as the child, or if that is not feasible, to (c) a family of different racial or ethnic heritage from the child that is knowledgeable and appreciative of the child's racial or ethnic heritage. (2) an important friend with whom the child has resided or had significant contact. Placement of a child cannot be delayed or denied based on race, color, or national origin of the adoptive parent or the child. Whenever possible, siblings should be placed together unless it is determined not to be in the best interests of a sibling.

(d) If the child's birth parent or parents explicitly request that the preference described in clause (a) or in clauses (a) and (b) relatives and important friends not be followed considered, the court shall honor that request consistent with the best interests of the child.

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If the child's birth parent or parents express a preference for placing the child in an adoptive home of the same or a similar religious background to that of the birth parent or parents, in following the preferences in clause (a) or (b), the court shall place the child with a family that also meets the birth parent's religious preference. Only if no family is available as described in clause (a) or (b) may the court give preference to a family described in clause (c) that meets the parent's religious preference.

(e) This subdivision does not affect the Indian Child Welfare Act, United States Code, title 25, sections 1901 to 1923, and the Minnesota Indian Family Preservation Act, sections 257.35 to 257.3579.

Sec. 11. Minnesota Statutes 1996, section 259.77, is amended to read:

259.77 FAMILY RECRUITMENT.

Each authorized child-placing agency shall make special efforts to recruit an adoptive family from among the child's relatives, except as authorized in section 259.57, subdivision 2. Each agency shall provide for the diligent recruitment of potential adoptive families that reflect the ethnic and racial diversity of children in the state for whom adoptive homes are needed. Special efforts include contacting and working with community organizations and religious organizations and may include contracting with these organizations, utilizing local media and other local resources, and conducting outreach activities. The requirement of special efforts to locate relatives in this section is satisfied if the efforts have continued for six months after the child becomes available for adoption special efforts were made to recruit relatives when the child was first placed in out-of-home care or if special efforts have been satisfied and approved by the court pursuant according to section 260.191, subdivision 3a. The agency may accept any gifts, grants, offers of services, and other contributions to use in making special recruitment efforts.

Sec. 12. Minnesota Statutes 1996, section 260.181, subdivision 3, is amended to read:

Subd. 3. PROTECTION OF HERITAGE OR BACKGROUND THE CHILD'S BEST INTERESTS. (a) The policy of the state is to ensure that the best interests of children are met by requiring due, not sole, consideration of the child's race or ethnic heritage individualized determinations of the needs of the child and of how the selected placement will serve the needs of the child in foster care placements.

(b) Among the factors to be considered in determining the needs of the child are:

- (1) the child's current functioning and behaviors;
- (2) the medical, educational, and developmental needs of the child;
- (3) the child's history and past experience;
- (4) the child's religious and cultural needs;
- (5) the child's connection with a community, school, and church;
- (6) the child's interests and talents;
- (7) the child's relationship to current caretakers, parents, siblings, and relatives; and
- (8) the reasonable preference of the child, if the court, or in the case of a voluntary placement the child-placing agency, deems the child to be of sufficient age to express preferences.

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(c) The court, in transferring legal custody of any child or appointing a guardian for the child under the laws relating to juvenile courts, shall place the child, in the following order of preference, consider placement, consistent with the child's best interests and in the following order, in the absence of good cause to the contrary, in the legal custody or guardianship of an individual who (a) (1) is related to the child by blood, marriage, or adoption, or if that would be detrimental to the child or a relative is not available, who (b) (2) is an important friend with whom the child has resided or had significant contact, or if that is not possible, who (c) is of the same racial or ethnic heritage as the child, or if that is not possible, who (d) is knowledgeable and appreciative of the child's racial or ethnic heritage. Placement of a child cannot be delayed or denied based on race, color, or national origin of the foster parent or the child. Whenever possible, siblings should be placed together unless it is determined not to be in the best interests of a sibling.

(d) If the child's birth parent or parents explicitly request that the preference described in clause (a), (b), or (c) a relative or important friend not be followed considered, the court shall honor that request if it is consistent with the best interests of the child.

If the child's birth parent or parents express a preference for placing the child in a foster or adoptive home of the same or a similar religious background to that of the birth parent or parents, in following the preferences in clause (a), (b), or (c), the court shall order placement of the child with an individual who meets the birth parent's religious preference. Only if no individual is available who is described in clause (a), (b), or (c) may the court give preference to an individual described in clause (d) who meets the parent's religious preference.

(e) This subdivision does not affect the Indian Child Welfare Act, United States Code, title 25, sections 1901 to 1923, and the Minnesota Indian Family Preservation Act, sections 257.35 to 257.3579.

Sec. 13. Minnesota Statutes 1996, section 260.191, subdivision 1a, is amended to read:

Subd. 1a. **WRITTEN FINDINGS.** Any order for a disposition authorized under this section shall contain written findings of fact to support the disposition ordered, and shall also set forth in writing the following information:

(a) Why the best interests of the child are served by the disposition ordered;

(b) What alternative dispositions were considered by the court and why such dispositions were not appropriate in the instant case;

(c) In the case of a child of minority racial or minority ethnic heritage, How the court's disposition complies with the requirements of section 260.181, subdivision 3; and

(d) Whether reasonable efforts consistent with section 260.012 were made to prevent or eliminate the necessity of the child's removal and to reunify the family after removal. The court's findings must include a brief description of what preventive and reunification efforts were made and why further efforts could not have prevented or eliminated the necessity of removal.

If the court finds that the social services agency's preventive or reunification efforts have not been reasonable but that further preventive or reunification efforts could not permit the child to safely remain at home, the court may nevertheless authorize or continue the removal of the child.

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Sec. 14. EFFECTIVE DATE.

Sections 1 to 13 are effective the day following final enactment.

Presented to the governor May 2, 1997

Signed by the governor May 6, 1997, 11:05 a.m.

CHAPTER 87—H.F.No. 756

An act relating to the state demographer; changing procedures for certain population and related estimates; amending Minnesota Statutes 1996, sections 4A.02; 379.02; and 414.01, subdivision 14; repealing Minnesota Statutes 1996, section 414.033, subdivision 9.

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

Section 1. Minnesota Statutes 1996, section 4A.02, is amended to read:

4A.02 STATE DEMOGRAPHER.

(a) The director shall appoint a state demographer. The demographer must be professionally competent in demography and must possess demonstrated ability based upon past performance.

(b) The demographer shall:

- (1) continuously gather and develop demographic data relevant to the state;
- (2) design and test methods of research and data collection;
- (3) periodically prepare population projections for the state and designated regions and periodically prepare projections for each county or other political subdivision of the state as necessary to carry out the purposes of this section;
- (4) review, comment on, and prepare analysis of population estimates and projections made by state agencies, political subdivisions, other states, federal agencies, or non-governmental persons, institutions, or commissions;
- (5) serve as the state liaison with the federal United States Bureau of the Census, coordinate state and federal demographic activities to the fullest extent possible, and aid the legislature in preparing a census data plan and form for each decennial census;
- (6) compile an annual study of population estimates on the basis of county, regional, or other political or geographical subdivisions as necessary to carry out the purposes of this section and section 4A.03;
- (7) by January 1 of each year, issue a report to the legislature containing an analysis of the demographic implications of the annual population study and population projections;
- (8) prepare maps for all counties in the state, all municipalities with a population of 10,000 or more, and other municipalities as needed for census purposes, according to scale and detail recommended by the federal United States Bureau of the Census, with the maps of cities showing precinct boundaries; and

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