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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 2863

05/01/2019 Authored by Moran, Klevorn, Richardson, Edelson and Liebling
The bill was read for the first time and referred to the Committee on Health and Human Services Policy

1.1 A bill for an act
1.2 relating to child protection; modifying requirements for relative notification and
1.3 placement in child protection cases; directing commissioner of human services to
1.4 review kinship navigator models and provide guidance on relative searches;
1.5 appropriating money for relative support grants; amending Minnesota Statutes
1.6 2018, sections 260C.215, by adding a subdivision; 260C.221; 260C.317, by adding
1.7 a subdivision.

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

1.9 Section 1. Minnesota Statutes 2018, section 260C.215, is amended by adding a subdivision
1.10 to read:

1.11 Subd. 10. Relative placement licensing support. (a) If a child is placed with a relative,
1.12 the local social services agency or other child-placing agency must refer the case to a private,
1.13 community-based agency to provide support and guidance to the relative caregiver through
1.14 the foster care licensing process when:

1.15 (1) the relative has not completed sudden infant unexplained death syndrome and abusive
1.16 head trauma training or child and restraint system training within 45 days of placement, and
1.17 a face-to-face meeting has occurred; and

1.18 (2) the relative has been offered the choice between support from the local social services
1.19 agency or support from a private, community-based agency.

1.20 (b) A private, community-based agency shall provide relative foster caregivers with
1.21 assistance with all pre-licensing requirements, including fingerprinting, home safety, hygiene
1.22 and basic need supplies, fire inspection, and other licensing requirements.

2.1 Sec. 2. Minnesota Statutes 2018, section 260C.221, is amended to read:

2.2 **260C.221 RELATIVE SEARCH.**

2.3 (a) The responsible social services agency shall exercise due diligence to identify and  
2.4 notify adult relatives prior to placement or within 30 days after the child's removal from the  
2.5 parent. The county agency shall consider placement with a relative under this section without  
2.6 delay and whenever the child must move from or be returned to foster care. The relative  
2.7 search required by this section shall be comprehensive in scope. ~~After a finding that the~~  
2.8 ~~agency has made reasonable efforts to conduct the relative search under this paragraph,~~ The  
2.9 agency must continue to diligently search for relatives until a court has made a specific  
2.10 finding that a continued relative search no longer serves the best interests of the child or is  
2.11 a threat to the child's safety. The agency has the continuing responsibility to appropriately  
2.12 involve relatives, who have responded to the notice required under this paragraph, in planning  
2.13 for the child and to continue to consider relatives according to the requirements of section  
2.14 260C.212, subdivision 2. At any time during the course of juvenile protection proceedings,  
2.15 the court may order the agency to reopen its search for relatives when it is in the child's best  
2.16 interest to do so.

2.17 (b) The relative search required by this section shall include both maternal and paternal  
2.18 adult relatives of the child; all adult grandparents; all legal parents, guardians, or custodians  
2.19 of the child's siblings; and any other adult relatives suggested by the child's parents, subject  
2.20 to the exceptions due to family violence in paragraph (c). The search shall also include  
2.21 getting information from the child in an age-appropriate manner about who the child  
2.22 considers to be family members and important friends with whom the child has resided or  
2.23 had significant contact. A local social services agency may contract with a provider of  
2.24 relative search services to conduct and assist with relative searches required by this section.  
2.25 The search service provider must have knowledge of Minnesota counties and child protection  
2.26 requirements and expertise in local and national relative search techniques. The relative  
2.27 search required under this section must fulfill the agency's duties under the Indian Child  
2.28 Welfare Act regarding active efforts to prevent the breakup of the Indian family under  
2.29 United States Code, title 25, section 1912(d), and to meet placement preferences under  
2.30 United States Code, title 25, section 1915. The relatives must be notified:

2.31 (1) of the need for a foster home for the child, the option to become a placement resource  
2.32 for the child, and the possibility of the need for a permanent placement for the child;

2.33 (2) of their responsibility to keep the responsible social services agency and the court  
2.34 informed of their current address in order to receive notice in the event that a permanent

3.1 placement is sought for the child and to receive notice of the permanency progress review  
3.2 hearing under section 260C.204. A relative who fails to provide a current address to the  
3.3 responsible social services agency and the court forfeits the right to receive notice of the  
3.4 possibility of permanent placement and of the permanency progress review hearing under  
3.5 section 260C.204. A decision by a relative not to be identified as a potential permanent  
3.6 placement resource or participate in planning for the child at the beginning of the case shall  
3.7 not affect whether the relative is considered for placement of the child with that relative  
3.8 later;

3.9 (3) that the relative may participate in the care and planning for the child, including that  
3.10 the opportunity for such participation may be lost by failing to respond to the notice sent  
3.11 under this subdivision. "Participate in the care and planning" includes, but is not limited to,  
3.12 participation in case planning for the parent and child, identifying the strengths and needs  
3.13 of the parent and child, supervising visits, providing respite and vacation visits for the child,  
3.14 providing transportation to appointments, suggesting other relatives who might be able to  
3.15 help support the case plan, and to the extent possible, helping to maintain the child's familiar  
3.16 and regular activities and contact with friends and relatives;

3.17 (4) of the family foster care licensing requirements, including how to complete an  
3.18 application and how to request a variance from licensing standards that do not present a  
3.19 safety or health risk to the child in the home under section 245A.04 and supports that are  
3.20 available for relatives and children who reside in a family foster home; and

3.21 (5) of the relatives' right to ask to be notified of any court proceedings regarding the  
3.22 child, to attend the hearings, and of a relative's right or opportunity to be heard by the court  
3.23 as required under section 260C.152, subdivision 5.

3.24 (c) A responsible social services agency may disclose private data, as defined in sections  
3.25 13.02 and 626.556, to relatives of the child for the purpose of locating and assessing a  
3.26 suitable placement and may use any reasonable means of identifying and locating relatives  
3.27 including the Internet or other electronic means of conducting a search. The agency shall  
3.28 disclose data that is necessary to facilitate possible placement with relatives and to ensure  
3.29 that the relative is informed of the needs of the child so the relative can participate in planning  
3.30 for the child and be supportive of services to the child and family. If the child's parent refuses  
3.31 to give the responsible social services agency information sufficient to identify the maternal  
3.32 and paternal relatives of the child, the agency shall ask the juvenile court to order the parent  
3.33 to provide the necessary information. If a parent makes an explicit request that a specific  
3.34 relative not be contacted or considered for placement due to safety reasons including past  
3.35 family or domestic violence, the agency shall bring the parent's request to the attention of

4.1 the court to determine whether the parent's request is consistent with the best interests of  
4.2 the child and the agency shall not contact the specific relative when the juvenile court finds  
4.3 that contacting the specific relative would endanger the parent, guardian, child, sibling, or  
4.4 any family member.

4.5 (d) At a regularly scheduled hearing not later than three months after the child's placement  
4.6 in foster care and as required in section 260C.202, the agency shall report to the court:

4.7 (1) its efforts to identify maternal and paternal relatives of the child and to engage the  
4.8 relatives in providing support for the child and family, and document that the relatives have  
4.9 been provided the notice required under paragraph (a); and

4.10 (2) its decision regarding placing the child with a relative as required under section  
4.11 260C.212, subdivision 2, and to ask relatives to visit or maintain contact with the child in  
4.12 order to support family connections for the child, when placement with a relative is not  
4.13 possible or appropriate.

4.14 (e) Notwithstanding chapter 13, the agency shall disclose data about particular relatives  
4.15 identified, searched for, and contacted for the purposes of the court's review of the agency's  
4.16 due diligence.

4.17 (f) When the court is satisfied that the agency has exercised due diligence to identify  
4.18 relatives and provide the notice required in paragraph (a), the court may find that reasonable  
4.19 efforts have been made to conduct a relative search to identify and provide notice to adult  
4.20 relatives as required under section 260.012, paragraph (e), clause (3). If the court is not  
4.21 satisfied that the agency has exercised due diligence to identify relatives and provide the  
4.22 notice required in paragraph (a), the court may order the agency to continue its search and  
4.23 notice efforts and to report back to the court.

4.24 (g) When the placing agency determines that permanent placement proceedings are  
4.25 necessary because there is a likelihood that the child will not return to a parent's care, the  
4.26 agency must send the notice provided in paragraph (h), may ask the court to modify the  
4.27 duty of the agency to send the notice required in paragraph (h), or may ask the court to  
4.28 completely relieve the agency of the requirements of paragraph (h). The relative notification  
4.29 requirements of paragraph (h) do not apply when the child is placed with an appropriate  
4.30 relative or a foster home that has committed to adopting the child or taking permanent legal  
4.31 and physical custody of the child and the agency approves of that foster home for permanent  
4.32 placement of the child. The actions ordered by the court under this section must be consistent  
4.33 with the best interests, safety, permanency, and welfare of the child.

5.1 (h) Unless required under the Indian Child Welfare Act or relieved of this duty by the  
 5.2 court under paragraph (f), when the agency determines that it is necessary to prepare for  
 5.3 permanent placement determination proceedings, or in anticipation of filing a termination  
 5.4 of parental rights petition, the agency shall send notice to the relatives, any adult with whom  
 5.5 the child is currently residing, any adult with whom the child has resided for one year or  
 5.6 longer in the past, and any adults who have maintained a relationship or exercised visitation  
 5.7 with the child as identified in the agency case plan. The notice must state that a permanent  
 5.8 home is sought for the child and that the individuals receiving the notice may indicate to  
 5.9 the agency their interest in providing a permanent home. The notice must state that within  
 5.10 30 days of receipt of the notice an individual receiving the notice must indicate to the agency  
 5.11 the individual's interest in providing a permanent home for the child or that the individual  
 5.12 may lose the opportunity to be considered for a permanent placement.

5.13 Sec. 3. Minnesota Statutes 2018, section 260C.317, is amended by adding a subdivision  
 5.14 to read:

5.15 Subd. 5. **Relative visitation after termination of parental rights.** A relative, as defined  
 5.16 in section 260C.007, subdivision 27, may continue to maintain a relationship, including  
 5.17 regular contact and visitation, with a child after an order terminating the child's parent's  
 5.18 parental rights, unless continued contact with the relative is not in the child's best interests  
 5.19 or is a threat to the child's safety. Local social services agencies shall make continuous  
 5.20 efforts to locate and engage relatives after a termination of parental rights for the purposes  
 5.21 of visitation and potential permanency placement.

5.22 Sec. 4. **DIRECTION TO COMMISSIONER; FAMILY FIRST PREVENTION**  
 5.23 **KINSHIP SERVICES.**

5.24 The commissioner of human services shall review opportunities to implement kinship  
 5.25 navigator models that support placement of children with relative foster parents, in  
 5.26 anticipation of reimbursement for eligible services under the Family First Prevention Services  
 5.27 Act. Kinship navigator models would assist relative foster parents with home studies and  
 5.28 licensing requirements and provide ongoing support to the relative caregivers and children  
 5.29 in out-of-home placement with relatives.

5.30 **EFFECTIVE DATE.** This section is effective the day following final enactment.

6.1 Sec. 5. **DIRECTION TO COMMISSIONER; RELATIVE SEARCH.**

6.2 The commissioner of human services shall develop and provide guidance to assist local  
6.3 social services agencies in conducting relative searches under Minnesota Statutes, section  
6.4 260C.221. The commissioner shall issue a bulletin containing relative search guidance by  
6.5 January 1, 2020. Guidance from the commissioner shall relate to:

6.6 (1) easily understandable methods of relative notification;

6.7 (2) resources for local social services agency child welfare staff to improve engagement  
6.8 and communication with relatives and kin; and

6.9 (3) providing information to relatives and kin about all permanency options, sustaining  
6.10 relationships, visitation options, and supporting permanency.

6.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.

6.12 Sec. 6. **APPROPRIATION; SUPPORT FOR RELATIVE CAREGIVERS.**

6.13 \$..... in fiscal year 2020 and \$..... in fiscal year 2021 are appropriated from the general  
6.14 fund to the commissioner of human services to provide grants for relative family foster care  
6.15 and permanency support. The commissioner shall develop a request for proposals process  
6.16 to award grants to private agencies with demonstrated expertise in providing ongoing family  
6.17 supports and to provide services to relative family foster care providers and relatives with  
6.18 custody of a child after a termination of parental rights. Services eligible for grant funding  
6.19 include: (1) parenting advice and support; (2) health and safety training; (3) providing family  
6.20 mental health resources; and (4) other support services relating to the developmental needs  
6.21 of the child and the relative family. This is a onetime appropriation.