

This Document can be made available in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 912

- 01/26/2023 Authored by Agbaje, Richardson, Clardy, Noor, Hussein and others
The bill was read for the first time and referred to the Committee on Children and Families Finance and Policy
- 04/02/2024 Adoption of Report: Amended and re-referred to the Committee on Judiciary Finance and Civil Law
- 04/11/2024 Adoption of Report: Amended and re-referred to the Committee on Ways and Means
Pursuant to Joint Rule 2.03, re-referred to the Committee on Rules and Legislative Administration
- 04/15/2024 Adoption of Report: Re-referred to the Committee on Ways and Means
Joint Rule 2.03 has been waived for any subsequent committee action on this bill

1.1 A bill for an act

1.2 relating to human services; establishing the Layla Jackson Law; modifying child

1.3 welfare provisions; establishing the African American Child Well-Being Advisory

1.4 Council; requiring reports; appropriating money; amending Minnesota Statutes

1.5 2022, section 260C.329, subdivisions 3, 8; proposing coding for new law in

1.6 Minnesota Statutes, chapter 260.

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

1.8 Section 1. [260.61] CITATION.

1.9 Sections 260.61 to 260.697 may be cited as the "Layla Jackson Law."

1.10 Sec. 2. [260.62] PURPOSES.

1.11 (a) The purposes of the Layla Jackson Law are to:

1.12 (1) protect the best interests of African American and disproportionately represented

1.13 children;

1.14 (2) promote the stability and security of African American and disproportionately

1.15 represented children and families by establishing minimum standards to prevent the arbitrary

1.16 and unnecessary removal of African American and disproportionately represented children

1.17 from their families; and

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

1.19 and disproportionately represented children.

1.20 (b) Nothing in this legislation is intended to interfere with the protections of the Indian

1.21 Child Welfare Act of 1978, United States Code, title 25, sections 1901 to 1963, or the

1.22 Minnesota American Indian Family Preservation Act, sections 260.751 to 260.835.

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

2.2 **Subdivision 1. Scope.** The definitions in this section apply to sections 260.61 to 260.697.

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

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

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

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

3.1 best interests of the African American or disproportionately represented child support the
3.2 child's sense of belonging to the child's family, extended family, kin, and cultural community.

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

3.5 (1) an adoptive placement;

3.6 (2) a foster care placement;

3.7 (3) a preadoptive placement; or

3.8 (4) a termination of parental rights.

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

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

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

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

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

3.21 Subd. 9. **Disproportionality.** "Disproportionality" means the overrepresentation of
3.22 African American children and other disproportionately represented children in the state's
3.23 child welfare system population as compared to the representation of those children in the
3.24 state's total child population.

3.25 Subd. 10. **Disproportionately represented child.** "Disproportionately represented child"
3.26 means a child whose race, culture, ethnicity, disability status, or low-income socioeconomic
3.27 status is disproportionately encountered, engaged, or identified in the child welfare system
3.28 as compared to the representation in the state's total child population. Disproportionately
3.29 represented child includes members of unique cultural groups belonging to larger ethnic or
3.30 cultural categories used in federal, state, or local demographic data when the members are
3.31 known to be disproportionately affected.

4.1 Subd. 11. **Egregious harm.** "Egregious harm" has the meaning given in section 260E.03,
4.2 subdivision 5.

4.3 Subd. 12. **Foster care placement.** "Foster care placement" means the court-ordered
4.4 removal of an African American or a disproportionately represented child from the child's
4.5 home with the child's parent or legal custodian and the temporary placement of the child in
4.6 a foster home, in shelter care or a facility, or in the home of a guardian, when the parent or
4.7 legal custodian cannot have the child returned upon demand, but the parent's parental rights
4.8 have not been terminated. A foster care placement includes a placement in foster care
4.9 following an order placing the child under the guardianship of the commissioner, pursuant
4.10 to section 260C.325, prior to an adoption being finalized.

4.11 Subd. 13. **Imminent physical damage or harm.** "Imminent physical damage or harm"
4.12 means that a child is threatened with immediate and present conditions that are
4.13 life-threatening or likely to result in abandonment, sexual abuse, or serious physical injury.
4.14 The immediate and present conditions must have a direct causal relationship with the physical
4.15 harm threatened. The existence of community or family poverty, isolation, single parenthood,
4.16 age of the parent, crowded or inadequate housing, substance use, prenatal drug or alcohol
4.17 exposure, mental illness, disability or special needs of the parent or child, or nonconforming
4.18 social behavior does not by itself constitute imminent physical damage or harm.

4.19 Subd. 14. **Responsible social services agency.** "Responsible social services agency"
4.20 has the meaning given in section 260C.007, subdivision 27a.

4.21 Subd. 15. **Parent.** "Parent" means the biological parent of an African American or a
4.22 disproportionately represented child or any person who has legally adopted an African
4.23 American or a disproportionately represented child who, prior to the adoption, was considered
4.24 a relative to the child, as defined in subdivision 17. Parent includes an unmarried father
4.25 whose paternity has been acknowledged or established and a putative father. Paternity has
4.26 been acknowledged when an unmarried father takes any action to hold himself out as the
4.27 biological father of a child.

4.28 Subd. 16. **Preadoptive placement.** "Preadoptive placement" means a responsible social
4.29 services agency's placement of an African American or a disproportionately represented
4.30 child with the child's family or kin when the child is under the guardianship of the
4.31 commissioner, for the purpose of adoption, but an adoptive placement agreement for the
4.32 child has not been fully executed.

4.33 Subd. 17. **Relative.** "Relative" means:

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

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

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

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

5.6 Subd. 18. **Safety network.** "Safety network" means a group of individuals identified by
5.7 the parent and child, when appropriate, that is responsible for helping with developing,
5.8 implementing, sustaining, supporting, or improving a safety plan to protect the safety and
5.9 well-being of a child.

5.10 Subd. 19. **Sexual abuse.** "Sexual abuse" has the meaning given in section 260E.03,
5.11 subdivision 20.

5.12 Subd. 20. **Termination of parental rights.** "Termination of parental rights" means an
5.13 action resulting in the termination of the parent-child relationship under section 260C.301.

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

5.16 (a) A responsible social services agency shall make active efforts to prevent the
5.17 out-of-home placement of an African American or a disproportionately represented child,
5.18 eliminate the need for a child's removal from the child's home, and reunify an African
5.19 American or a disproportionately represented child with the child's family as soon as
5.20 practicable.

5.21 (b) Prior to petitioning the court to remove an African American or a disproportionately
5.22 represented child from the child's home, a responsible social services agency must work
5.23 with the child's family to prevent out-of-home placement and preserve the child's family.
5.24 The responsible social services agency must:

5.25 (1) make active efforts to engage the child's parent or custodian and the child, when
5.26 appropriate;

5.27 (2) assess the family's cultural and economic needs and connect the family with supports
5.28 to establish a safety network for the family;

5.29 (3) work with the family to develop an alternative plan to out-of-home placement;

5.30 (4) before making decisions that may affect the child's safety and well-being or when
5.31 contemplating out-of-home placement, seek guidance from the child's family structure on

6.1 how the family can seek help, what resources are available, and what barriers the family
6.2 faces at that time; and

6.3 (5) provide support, guidance, and input to assist the family and the family's safety
6.4 network with developing the safety plan.

6.5 (c) The safety plan must:

6.6 (1) address the specific allegations impacting the child's safety in the home. If neglect
6.7 is alleged, the safety plan must incorporate economic services and supports to address the
6.8 family's specific needs and prevent neglect;

6.9 (2) evaluate whether an order for protection under section 518B.01 or other court order
6.10 expelling an allegedly abusive household member from the home of a parent or custodian
6.11 who is not alleged to be abusive will allow the child to safely remain in the home;

6.12 (3) incorporate family and community support to ensure the child's safety while keeping
6.13 the family intact; and

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

6.15 (d) The responsible social services agency is not required to establish a safety plan:

6.16 (1) in a case with allegations of sexual abuse or egregious harm;

6.17 (2) when the parent is not willing to follow a safety plan;

6.18 (3) when the parent has abandoned the child or is unavailable to follow a safety plan;

6.19 or

6.20 (4) when the parent has chronic substance abuse issues and is unable to parent the child.

6.21 **Sec. 5. [260.65] EMERGENCY REMOVAL.**

6.22 Subdivision 1. **Emergency removal or placement permitted.** Nothing in this section
6.23 shall be construed to prevent, delay, or deny the emergency removal of an African American
6.24 or a disproportionately represented child's parent or custodian, or the emergency placement
6.25 of the child in a foster setting, in order to prevent imminent physical damage or harm to the
6.26 child.

6.27 Subd. 2. **Petition for emergency removal; placement requirements.** A petition for a
6.28 court order authorizing the emergency removal or continued emergency placement of an
6.29 African American or a disproportionately represented child or the petition's accompanying
6.30 documents must contain a statement of the risk of imminent physical damage or harm to
6.31 the African American or disproportionately represented child and any evidence that the

7.1 emergency removal or placement continues to be necessary to prevent imminent physical
7.2 damage or harm to the child. The petition or its accompanying documents must also include
7.3 a statement of the efforts that have been made to assist the child's parents or custodians so
7.4 that the child may safely be returned to their custody.

7.5 Subd. 3. **Notice and service requirements.** (a) The petition for emergency removal and
7.6 accompanying documents must be served on the parent and, if the child is not located in
7.7 the child's home at the time that the child is removed, on the entity or individual with custody
7.8 of the child. If the court authorizes an emergency removal under subdivision 2, the petition
7.9 and accompanying documents must be served on the parents or custodians at the time of
7.10 the child's removal unless, after active efforts, the parents or custodians cannot be located
7.11 at the time of removal.

7.12 (b) Whenever a child is removed pursuant to a court order issued under subdivision 2,
7.13 the responsible social services agency shall make active efforts to provide notice to the
7.14 parent or custodian of:

7.15 (1) the fact that the child has been removed from the child's home;

7.16 (2) the reasons for the child's emergency removal; and

7.17 (3) the parent or custodian's legal rights under this chapter, chapter 260C, and any other
7.18 applicable provisions of statute, including the right to an emergency hearing under
7.19 subdivision 4.

7.20 (c) Notice under paragraph (b) must be provided in plain language and take into
7.21 consideration the parent or custodian's primary language, level of education, and culture.
7.22 Notice may be given by any means reasonably certain of notifying the parent or custodian
7.23 including but not limited to written, telephone, or in-person oral notification. If the initial
7.24 notification is provided by a means other than in writing, the responsible social services
7.25 agency shall make active efforts to also provide written notification.

7.26 (d) Notice required under this subdivision must be provided to the parent or custodian
7.27 no more than 24 hours after the child has been removed or 24 hours after the responsible
7.28 social services agency has been notified that the child has been removed pursuant to
7.29 subdivision 2.

7.30 Subd. 4. **Emergency proceeding requirements.** (a) The court shall hold a hearing no
7.31 later than 72 hours, excluding weekends and holidays, after the emergency removal of the
7.32 African American or disproportionately represented child. The court shall determine whether
7.33 the emergency removal continues to be necessary to prevent imminent physical damage or

8.1 harm to the child and whether, after considering the child's particular circumstances, the
8.2 imminent physical damage or harm to the child outweighs the harm that the child will
8.3 experience as a result of continuing the emergency removal.

8.4 (b) The court shall hold additional hearings whenever new information indicates that
8.5 the emergency situation has ended. The court shall consider all such new information at
8.6 any court hearing after the emergency proceeding to determine whether the emergency
8.7 removal or placement is no longer necessary to prevent imminent physical damage or harm
8.8 to the child.

8.9 (c) Notwithstanding section 260C.163, subdivision 3, and the provisions of Minnesota
8.10 Rules of Juvenile Protection Procedure, rule 25, a parent or custodian of an African American
8.11 or a disproportionately represented child who is subject to an emergency hearing under this
8.12 section and Minnesota Rules of Juvenile Protection Procedure, rule 30, has a right to counsel
8.13 appointed by the court. The court must appoint qualified counsel to represent a parent if the
8.14 parent meets the eligibility requirements in section 611.17.

8.15 Subd. 5. **Termination of emergency removal or placement.** (a) An emergency removal
8.16 or placement of an African American or a disproportionately represented child must
8.17 immediately terminate once the responsible social services agency or court possesses
8.18 sufficient evidence to determine that the emergency removal or placement is no longer
8.19 necessary to prevent imminent physical damage or harm to the child and the child shall be
8.20 immediately returned to the custody of the child's parent or custodian. The responsible social
8.21 services agency or court shall ensure that the emergency removal or placement terminates
8.22 immediately when the removal or placement is no longer necessary to prevent imminent
8.23 physical damage or harm to the African American or disproportionately represented child.

8.24 (b) If the court determines that custody of the child by the child's parent or custodian is
8.25 likely to result in serious physical harm to the child, after service upon the African American
8.26 or disproportionately represented child's parents or custodian and upon a determination
8.27 supported by clear and convincing evidence, the court shall further consider whether
8.28 participation by the parents or legal custodians in any prevention services would prevent
8.29 or eliminate the need for removal. If so, the court shall inquire of the parent or custodian
8.30 whether they are willing to participate in such services. If the parent or custodian agrees to
8.31 participate in the prevention services identified by the court that would prevent or eliminate
8.32 the need for removal, the court shall place the child with the parent or custodian and the
8.33 emergency removal shall terminate. The court shall not order a parent to participate in
8.34 prevention services over the parent's or custodian's objection and the parent or custodian
8.35 must have the opportunity to consult with counsel prior to deciding whether to agree to

9.1 proposed prevention services as a condition of the child being returned to the custody of
9.2 the parent or custodian.

9.3 (c) If the court determines that custody of the child by the child's parent or custodian is
9.4 likely to result in serious physical harm to the child, the court shall further consider whether
9.5 an order for protection under section 518B.01 or other court order expelling an allegedly
9.6 abusive household member from the home of a parent or custodian who is not alleged to
9.7 be abusive will allow the child to safely return to the home.

9.8 (d) In no instance shall emergency removal or emergency placement of an African
9.9 American or a disproportionately represented child extend beyond 30 days unless the court
9.10 finds by a showing of clear and convincing evidence that:

9.11 (1) continued emergency removal or placement is necessary to prevent imminent physical
9.12 damage or harm to the child; and

9.13 (2) it has not been possible to initiate a child placement proceeding with all of the
9.14 protections under sections 260.61 to 260.694.

9.15 **Sec. 6. [260.66] NONCUSTODIAL PARENTS.**

9.16 (a) Prior to the removal of an African American or a disproportionately represented child
9.17 from the child's home, the responsible social services agency must make active efforts to
9.18 identify and locate the child's noncustodial or nonadjudicated parent and the child's relatives
9.19 to notify the child's parent and relatives that the child is or will be placed in foster care, and
9.20 provide the child's parent and relatives with a list of legal resources. The notice to the child's
9.21 noncustodial or nonadjudicated parent and relatives must also include the information
9.22 required under section 260C.221, subdivision 2, paragraph (b). The responsible social
9.23 services agency must maintain detailed records of the agency's efforts to notify parents and
9.24 relatives under this section.

9.25 (b) Notwithstanding the provisions of section 260C.219, the responsible social services
9.26 agency must assess an African American or a disproportionately represented child's
9.27 noncustodial or nonadjudicated parent's ability to care for the child before placing the child
9.28 in foster care. If a child's noncustodial or nonadjudicated parent is willing and able to provide
9.29 daily care for the African American or disproportionately represented child temporarily or
9.30 permanently, the court shall order that the child be placed in the home of the noncustodial
9.31 or nonadjudicated parent pursuant to section 260C.178 or 260C.201, subdivision 1. The
9.32 responsible social services agency must make active efforts to assist a noncustodial or

10.1 nonadjudicated parent with remedying any issues that may prevent the child from being
10.2 placed with the noncustodial or nonadjudicated parent.

10.3 **Sec. 7. [260.67] RELATIVE PLACEMENT.**

10.4 Subdivision 1. **Relative placement procedures and requirements.** (a) If an African
10.5 American or a disproportionately represented child's noncustodial or nonadjudicated parent
10.6 is unwilling or unable to provide daily care for the child and the court has determined that
10.7 the child physically remaining in the home with the child's parent or custodian would
10.8 endanger the child's health, safety, or welfare, the child's parent, custodian, or the child,
10.9 when appropriate, has the right to select one or more relatives who may be willing and able
10.10 to temporarily care for the child. The responsible social services agency must place the child
10.11 with a selected relative after assessing the relative's willingness and ability to provide daily
10.12 care for the child.

10.13 (b) The responsible social services agency shall consider additional relatives for the
10.14 child's placement if:

10.15 (1) the selected relative or relatives are unavailable, unwilling, or unable to provide daily
10.16 care for the child; or

10.17 (2) conditions or circumstances exist that would disqualify the selected relative or
10.18 relatives from being licensed family foster parents and the disqualifying conditions or
10.19 circumstances would not be eligible for a variance from the commissioner. Relative
10.20 placement consideration requirements in sections 260C.212, subdivision 2, paragraph (a),
10.21 and 260C.221, subdivision 4, apply.

10.22 (c) The responsible social services agency must inform selected relatives and the child's
10.23 parent or custodian of the difference between informal kinship care arrangements and
10.24 court-ordered foster care. If a selected relative and the child's parent or custodian request
10.25 an informal kinship care arrangement for a child's placement instead of court-ordered foster
10.26 care and such an arrangement will maintain the child's safety and well-being, the responsible
10.27 social services agency shall comply with the request and inform the court of the plan for
10.28 the child. The court shall honor the request to forego a court-ordered foster care placement
10.29 of the child in favor of an informal kinship care arrangement, unless the court determines
10.30 that the request is not in the best interests of the African American or disproportionately
10.31 represented child.

10.32 (d) The responsible social services agency must make active efforts to support a relative
10.33 with whom a child is placed in completing the family foster care licensure process and

11.1 addressing barriers, disqualifications, or other issues affecting the relative's licensure,
11.2 including but not limited to assisting the relative with requesting reconsideration of a
11.3 disqualification under section 245C.21.

11.4 (e) The decision by a relative to not be considered as an African American or a
11.5 disproportionately represented child's foster care or temporary placement option shall not
11.6 be a basis for the responsible social services agency or the court to rule out the relative for
11.7 placement in the future or for denying the relative's request to be considered or selected as
11.8 a foster care or permanent placement of the child.

11.9 Subd. 2. **Authorization for nonrelative foster care or temporary placement.** (a) An
11.10 African American or a disproportionately represented child must be placed with a
11.11 noncustodial or nonadjudicated parent under section 260.66 or with a relative pursuant to
11.12 subdivision 1, unless the responsible social services agency establishes that there is reasonable
11.13 cause to believe that:

11.14 (1) placement in nonrelative foster care is necessary to prevent imminent physical damage
11.15 or harm to the child, including that which would result from sexual abuse or sexual
11.16 exploitation, because no noncustodial or nonadjudicated parent or relative is capable of
11.17 ensuring the child's basic safety; or

11.18 (2) placement with a noncustodial or nonadjudicated parent or relative would hinder
11.19 efforts to reunify the child and the parent.

11.20 (b) If the court orders the placement of an African American or a disproportionately
11.21 represented child in nonrelative foster care, the court order must state the reasons for
11.22 placement in nonrelative foster care.

11.23 (c) Before authorizing nonrelative foster care or temporary placement for an African
11.24 American or a disproportionately represented child under paragraph (a), the court must ask
11.25 the petitioner and any other person present at the hearing whether any relatives are willing
11.26 and able to care for the child, including:

11.27 (1) whether any relative is able to meet any special needs of the child;

11.28 (2) whether the relative is willing to facilitate the child's sibling and parent or custodian
11.29 visitation if such visitation is ordered by the court; and

11.30 (3) whether the relative supports reunification of the parent or custodian and child once
11.31 reunification can safely occur.

11.32 (d) If a relative has been determined to be willing and able to be a placement resource
11.33 for the child, the following shall not prevent the child's placement with the relative:

12.1 (1) an incomplete background study, if the relative is otherwise willing and able to
12.2 provide care and safety, provided that the background study must be completed as soon as
12.3 possible after placement;

12.4 (2) the relative's uncertainty regarding potential adoption of the child;

12.5 (3) the relative's disbelief that the parent or custodian presents a danger to the child,
12.6 provided that the relative will protect the safety of the child and comply with court orders
12.7 regarding contact with a parent or custodian; or

12.8 (4) the conditions of the relative's home are not sufficient to satisfy the requirements for
12.9 foster parent licensure. The court may order the responsible social services agency to provide
12.10 active efforts under subdivision 1, paragraph (c).

12.11 **Sec. 8. [260.68] CHILD IN NEED OF PROTECTION OR SERVICES;**
12.12 **OUT-OF-HOME PLACEMENT PROCEEDINGS.**

12.13 Subdivision 1. **Standard for ordering out-of-home placement.** (a) A court shall not
12.14 order a foster care or permanent out-of-home placement of an African American or a
12.15 disproportionately represented child alleged to be in need of protection or services unless
12.16 the court finds by clear and convincing evidence that the child would be at risk of serious
12.17 physical harm if the child were to remain in the child's home.

12.18 (b) Before ordering a foster care placement or permanent out-of-home placement of an
12.19 African American or a disproportionately represented child under paragraph (a), the court
12.20 must:

12.21 (1) find that no alternative resources or arrangements are available to the family that
12.22 would adequately safeguard the child without requiring out-of-home placement;

12.23 (2) evaluate the harm to the child that may result from foster care placement or permanent
12.24 out-of-home placement by considering:

12.25 (i) the disruption to the child's schooling and social relationships that may result from
12.26 placement out of the child's home or neighborhood;

12.27 (ii) detrimental long-term emotional and psychological impacts of disrupting the
12.28 relationship between children and their parents; and

12.29 (iii) any measures that may be taken to alleviate such a disruption;

12.30 (3) determine whether a parent or custodian's noncompliance with any conditions or
12.31 requirements of an out-of-home placement plan resulted from circumstances beyond the
12.32 parent or custodian's control and if so, give due consideration to those circumstances;

13.1 (4) inquire into efforts that have been made to place the child with a relative, including
13.2 asking a parent or custodian whether the responsible social services agency discussed with
13.3 them the placement of the child with a relative;

13.4 (5) determine that the out-of-home placement proposed by the responsible services
13.5 agency is the least disruptive and most family-like setting that meets the needs of the child;

13.6 (6) evaluate the services provided to the family to prevent or eliminate the need for
13.7 removal of the child from the child's home. If the petition for a child in need of child
13.8 protective services or other information before the court alleges that homelessness or the
13.9 lack of suitable housing was a significant factor contributing to the removal of the child,
13.10 the court shall inquire as to whether housing assistance was provided to the family to prevent
13.11 or eliminate the need for the removal of the child or children; and

13.12 (7) determine whether it is in the best interests of the child to remain enrolled in the
13.13 school, developmental program, or child care program where the child was enrolled prior
13.14 to the removal and evaluate the efforts that have been made to maintain the child in the
13.15 school or program if it is in the child's best interests.

13.16 Subd. 2. **Active efforts.** (a) At each hearing regarding an African American or a
13.17 disproportionately represented child who is alleged or adjudicated to be in need of protection
13.18 or services, the court shall review whether the responsible social services agency has provided
13.19 active efforts to the child and the child's family and shall require the responsible social
13.20 services agency to provide evidence and documentation that demonstrates that the agency
13.21 is providing culturally informed, strength-based, community-involved, and community-based
13.22 services to the child and the child's family.

13.23 (b) When determining whether the responsible social services agency has made active
13.24 efforts to preserve the child's family, the court shall make findings regarding whether the
13.25 responsible social services agency made appropriate and meaningful services available to
13.26 the child's family based upon the family's specific needs. If a court determines that the
13.27 responsible social services agency did not make active efforts to preserve the family as
13.28 required by this section, the court shall order the responsible social services agency to
13.29 immediately provide active efforts to the child and child's family to preserve the family.

14.1 Sec. 9. [260.69] TRANSFER OF PERMANENT LEGAL AND PHYSICAL
14.2 CUSTODY; TERMINATION OF PARENTAL RIGHTS; CHILD PLACEMENT
14.3 PROCEEDINGS.

14.4 Subdivision 1. Preference for transfer of permanent legal and physical custody. If
14.5 an African American or a disproportionately represented child cannot be returned to the
14.6 child's parent, the court shall consider the requirements of and responsibilities under section
14.7 260.012, paragraph (a), and, if possible, transfer permanent legal and physical custody of
14.8 the child to:

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

14.12 (2) a willing and able relative, according to the requirements of section 260C.515,
14.13 subdivision 4, if the court determines that reunification with the child's family is not an
14.14 appropriate permanency option for the child. Prior to the court ordering a transfer of
14.15 permanent legal and physical custody to a relative who is not a parent, the responsible social
14.16 services agency must inform the relative of Northstar kinship assistance benefits and
14.17 eligibility requirements, and of the relative's ability to apply for benefits on behalf of the
14.18 child under chapter 256N.

14.19 Subd. 2. Termination of parental rights restrictions. (a) A court shall not terminate
14.20 the parental rights of a parent of an African American or a disproportionately represented
14.21 child based solely on the parent's failure to complete case plan requirements.

14.22 (b) Except as provided in paragraph (c), a court shall not terminate the parental rights
14.23 of a parent of an African American or a disproportionately represented child in a child
14.24 placement proceeding unless the allegations against the parent involve sexual abuse;
14.25 egregious harm as defined in section 260C.007, subdivision 14; murder in the first, second,
14.26 or third degree under section 609.185, 609.19, or 609.195; murder of an unborn child in the
14.27 first, second, or third degree under section 609.2661, 609.2662, or 609.2663; manslaughter
14.28 of an unborn child in the first or second degree under section 609.2664 or 609.2665; domestic
14.29 assault by strangulation under section 609.2247; felony domestic assault under section
14.30 609.2242 or 609.2243; kidnapping under section 609.25; solicitation, inducement, and
14.31 promotion of prostitution under section 609.322, subdivision 1, and subdivision 1a if one
14.32 or more aggravating factors are present; criminal sexual conduct under sections 609.342 to
14.33 609.3451; engaging in, hiring, or agreeing to hire a minor to engage in prostitution under
14.34 section 609.324, subdivision 1; solicitation of children to engage in sexual conduct under

15.1 section 609.352; possession of pornographic work involving minors under section 617.247;
15.2 malicious punishment or neglect or endangerment of a child under section 609.377 or
15.3 609.378; use of a minor in sexual performance under section 617.246; or failing to protect
15.4 a child from an overt act or condition that constitutes egregious harm.

15.5 (c) The court may terminate the parental rights of a parent of an African American or a
15.6 disproportionately represented child under section 260C.301, subdivision 1, paragraph (b),
15.7 clause (4) or (6), if a transfer of permanent legal and physical custody under subdivision 1
15.8 is not possible because the child has no willing or able noncustodial parent or relative to
15.9 whom custody can be transferred.

15.10 (d) Nothing in this subdivision precludes the court from terminating the parental rights
15.11 of a parent of an African American or a disproportionately represented child if the parent
15.12 desires to voluntarily terminate the parent's own parental rights for good cause under section
15.13 260C.301, subdivision 1, paragraph (a).

15.14 Subd. 3. Appeals. Notwithstanding the Minnesota Rules of Juvenile Protection Procedure,
15.15 rule 47.02, subdivision 2, a parent of an African American or a disproportionately represented
15.16 child whose parental rights have been terminated may appeal the decision within 90 days
15.17 of the service of notice by the court administrator of the filing of the court's order.

15.18 Sec. 10. **[260.694] RESPONSIBLE SOCIAL SERVICES AGENCY CONDUCT AND**
15.19 **CASE REVIEW.**

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

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

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

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

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

15.30 Subd. 2. **Commissioner notification.** (a) When a responsible social services agency
15.31 makes a maltreatment determination involving an African American or a disproportionately
15.32 represented child or places an African American or a disproportionately represented child

16.1 in a foster care placement, the agency shall, within seven days of making a maltreatment
16.2 determination or initiating the child's foster care placement, notify the commissioner of the
16.3 maltreatment determination or foster care placement and of the steps that the agency has
16.4 taken to investigate and remedy the conditions that led to the maltreatment determination
16.5 or foster care placement. Upon receiving this notice, the commissioner shall review the
16.6 responsible social services agency's handling of the child's case to ensure that the case plan
16.7 and services address the unique needs of the child and the child's family and that the agency
16.8 is making active efforts to reunify and preserve the child's family. At all stages of a case
16.9 involving an African American or a disproportionately represented child, the responsible
16.10 social services agency shall, upon request, fully cooperate with the commissioner and the
16.11 African American Child Well-Being Advisory Council, if applicable, and, as appropriate
16.12 and as permitted under statute, provide access to all relevant case files.

16.13 (b) Following a responsible social services agency adoptive placement decision involving
16.14 an African American or a disproportionately represented child under the guardianship of
16.15 the commissioner, the responsible social services agency shall immediately notify the
16.16 commissioner of the agency's decision and of the right of intervention. The commissioner
16.17 has the right to intervene in cases where a determination of noncompliance with this act
16.18 was made. The notice must include the identity of the child and the child's parents whose
16.19 parental rights were terminated or who consented to the child's adoption. Upon receipt of
16.20 the notice and prior to processing an adoption placement agreement, the commissioner shall
16.21 review the case to ensure that the requirements of this act have been met. When the
16.22 responsible social services agency has identified a nonrelative as an African American or
16.23 a disproportionately represented child's adoptive placement, no preadoptive or adoptive
16.24 placement proceeding may be held until at least 30 days after the commissioner receives
16.25 the required notice and indicates an intent to exercise the commissioner's right of intervention,
16.26 or until an adoption home study can be completed for a relative adoption, whichever occurs
16.27 first. If the commissioner requests additional time to prepare for the proceeding, the district
16.28 court must grant the commissioner up to 30 additional days to prepare for the proceeding.
16.29 In cases in which a responsible social services agency or party to a preadoptive or adoptive
16.30 placement knows or has reason to believe that a child is or may be African American or a
16.31 disproportionately represented child, proof of service upon the commissioner must be filed
16.32 with the adoption petition.

16.33 Subd. 3. **Case review.** (a) Each responsible social services agency shall conduct a review
16.34 of all child protection cases handled by the agency every 24 months, after establishing a
16.35 2024 baseline. The responsible social services agency shall report the agency's findings to

17.1 the county board, related child welfare committees, the African American Child Well-Being
17.2 Advisory Council, the Children's Justice Initiative team, the commissioner, and community
17.3 stakeholders within six months of gathering the relevant case data. When the case review
17.4 consists of fewer than five cases, the responsible social services agency must only report
17.5 the case data to the African American Child Well-Being Advisory Council. The case review
17.6 must include:

17.7 (1) the number of African American and disproportionately represented children
17.8 represented in the county child welfare system;

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

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

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

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

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

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

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

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

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

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

17.29 (b) The required case review must also:

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

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

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

18.3 (4) document efforts to identify fathers and maternal and paternal relatives and to provide
18.4 services to custodial and noncustodial fathers, if appropriate; and

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

18.6 (c) Any responsible social services agency that has a case review showing
18.7 disproportionality and disparities in child welfare outcomes for African American and other
18.8 disproportionately represented children and families, compared to the agency's overall
18.9 outcomes, must develop a remediation plan to be approved by the commissioner. The
18.10 responsible social services agency must develop the plan within 30 days of finding the
18.11 disproportionality or disparities and must make measurable improvements within 12 months
18.12 of the date that the commissioner approves the remediation plan. A responsible social
18.13 services agency may request assistance from the commissioner to develop a remediation
18.14 plan. The remediation plan must include measurable outcomes to identify, address, and
18.15 reduce the factors that led to the disproportionality and disparities in the agency's child
18.16 welfare outcomes and include information about how the responsible social services agency
18.17 will achieve and document trauma-informed, positive child well-being outcomes through
18.18 remediation efforts.

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

18.23 Sec. 11. **[260.695] AFRICAN AMERICAN CHILD WELL-BEING ADVISORY**
18.24 **COUNCIL.**

18.25 Subdivision 1. **Duties.** The African American Child Well-Being Advisory Council shall:

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

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

18.31 (3) review summary reports on case reviews prepared by the commissioner to ensure
18.32 that responsible social services agencies meet the needs of African American families. The
18.33 council may review individual case information with identifying information redacted to

19.1 provide context and oversight and to address disparities in the treatment of African American
19.2 children and families as compared to other children and families involved in the child welfare
19.3 system;

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

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

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

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

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

19.23 Subd. 2. **Case review.** (a) The council may initiate a secondary case review of an African
19.24 American child's case upon the request of a child's parent or custodian or the child if the
19.25 council determines that a secondary case review is appropriate after reviewing the
19.26 commissioner's summary report and conclusions from the initial case review. The purpose
19.27 of a secondary case review under this subdivision is to provide recommendations to the
19.28 commissioner and the responsible social services agency to improve the child welfare system
19.29 and provide better outcomes for the child and the child's family.

19.30 (b) Upon the request of the parent, custodian, or child, members of the African American
19.31 Child Well-Being Advisory Council shall have access to the following data, as permitted
19.32 under applicable statutes, for a child's case review under this subdivision:

19.33 (1) law enforcement investigative data;

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

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

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

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

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

20.8 A state agency, statewide system, or political subdivision shall provide the data in paragraph
20.9 (b) to the African American Child Well-Being Advisory Council and the council's members
20.10 upon request of the commissioner. Not public data may be shared with members of the
20.11 council in connection with an individual case.

20.12 (c) Not public data acquired by the African American Child Well-Being Advisory Council
20.13 in the exercise of its duties retains its original classification. The commissioner may not
20.14 disclose data on individuals that were classified as confidential or private data on individuals
20.15 in possession of the state agency, statewide system, or political subdivision from which the
20.16 data were received, except that the commissioner may disclose responsible social services
20.17 agency data as provided in section 260E.35, subdivision 7, on individual cases involving a
20.18 fatality or near fatality of a person served by the responsible social services agency prior to
20.19 the date of the death or incident.

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

20.27 Subd. 3. **Annual report.** By January 1 of each year, beginning January 1, 2026, the
20.28 council shall report to the chairs and ranking minority members of the legislative committees
20.29 with jurisdiction over child protection on the council's activities under this section and other
20.30 issues of the council's choosing. The report may include recommendations for statutory
20.31 changes to improve the child protection system and child welfare outcomes for African
20.32 American children and families.

21.1 Sec. 12. [260.696] AFRICAN AMERICAN CHILD WELL-BEING UNIT.

21.2 Subdivision 1. Duties. The African American Child Well-Being Unit, established by
21.3 the commissioner, shall perform the following functions:

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

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

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

21.15 (4) develop and implement a system for conducting case reviews when the commissioner
21.16 receives reports of noncompliance with this act or when requested by the parent or custodian
21.17 of an African American child. Case reviews may include but are not limited to a review of
21.18 placement prevention efforts, safety planning, case planning and service provision by the
21.19 responsible social services agency, relative placement consideration, and permanency
21.20 planning;

21.21 (5) establish and administer a request for proposals process for African American and
21.22 disproportionately represented family preservation grants under section 260.697, monitor
21.23 grant activities, and provide technical assistance to grantees;

21.24 (6) coordinate services and create internal and external partnerships to support adequate
21.25 access to services and resources for African American children and families, including but
21.26 not limited to housing assistance, employment assistance, food and nutrition support, health
21.27 care, child care assistance, and educational support and training, in consultation with the
21.28 African American Child Well-Being Advisory Council; and

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

22.1 Subd. 2. **Reports.** The African American Child Well-Being Unit shall provide regular
22.2 updates on unit activities, including summary reports of case reviews, to the African
22.3 American Child Well-Being Advisory Council and shall publish an annual census of African
22.4 American children in out-of-home placements statewide. The annual census shall include
22.5 data on the types of placements, age and sex of the children, how long the children have
22.6 been in out-of-home placements, and other relevant demographic information.

22.7 Sec. 13. **[260.697] AFRICAN AMERICAN AND DISPROPORTIONATELY**
22.8 **REPRESENTED FAMILY PRESERVATION GRANTS.**

22.9 Subdivision 1. **Primary support grants.** The commissioner shall establish direct grants
22.10 to organizations, service providers, and programs owned and led by African Americans and
22.11 other individuals from communities disproportionately represented in the child welfare
22.12 system to provide services and support for African American and disproportionately
22.13 represented children and families involved in Minnesota's child welfare system, including
22.14 supporting existing eligible services and facilitating the development of new services and
22.15 providers, to create a more expansive network of service providers available for African
22.16 American and disproportionately represented children and families.

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

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

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

22.21 (3) culturally specific individual and family counseling;

22.22 (4) court advocacy;

22.23 (5) training of and consultation with responsible social services agencies and private
22.24 social services agencies regarding this act;

22.25 (6) services to support informal kinship care arrangements; and

22.26 (7) other activities and services approved by the commissioner that further the goals of
22.27 the Minnesota African American Family Preservation and Child Welfare Disproportionality
22.28 Act, including but not limited to the recruitment of African American staff and staff from
22.29 other communities disproportionately represented in the child welfare system to work for
22.30 responsible social services agencies and licensed child-placing agencies.

22.31 (b) The commissioner may specify the priority of an activity and service based on its
22.32 success in furthering these goals. The commissioner shall give preference to programs and

23.1 service providers that are located in or serve counties with the highest rates of child welfare
 23.2 disproportionality for African American and other disproportionately represented children
 23.3 and families, and employ staff who represent the population primarily served.

23.4 Subd. 3. **Ineligible services.** Grant money may not be used to supplant funding for
 23.5 existing services or for the following purposes:

23.6 (1) child day care that is necessary solely because of the employment or training for
 23.7 employment of a parent or another relative with whom the child is living;

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

23.9 (3) residential treatment facility payments;

23.10 (4) adoption assistance or Northstar kinship assistance payments under chapter 259A
 23.11 or 256N;

23.12 (5) public assistance payments for Minnesota family investment program assistance,
 23.13 supplemental aid, medical assistance, general assistance, general assistance medical care,
 23.14 or community health services; or

23.15 (6) administrative costs for income maintenance staff.

23.16 Subd. 4. **Requests for proposals.** The commissioner shall request proposals for grants
 23.17 under subdivisions 1, 2, and 3, and specify the information and criteria required.

23.18 Sec. 14. Minnesota Statutes 2022, section 260C.329, subdivision 3, is amended to read:

23.19 Subd. 3. **Petition.** The county attorney or, a parent whose parental rights were terminated
 23.20 under a previous order of the court, an African American or a disproportionately represented
 23.21 child who is ten years of age or older, the responsible social services agency, or a guardian
 23.22 ad litem may file a petition for the reestablishment of the legal parent and child relationship.
 23.23 A parent filing a petition under this section shall pay a filing fee in the amount required
 23.24 under section 357.021, subdivision 2, clause (1). The filing fee may be waived pursuant to
 23.25 ~~chapter 563~~ in cases of indigency. A petition for the reestablishment of the legal parent and
 23.26 child relationship may be filed when:

23.27 ~~(1) in cases where the county attorney is the petitioning party, both the responsible social~~
 23.28 ~~services agency and the county attorney agree that reestablishment of the legal parent and~~
 23.29 ~~child relationship is in the child's best interests;~~

23.30 ~~(2)~~ (1) the parent has corrected the conditions that led to an order terminating parental
 23.31 rights;

24.1 ~~(3)~~ (2) the parent is willing and has the capability to provide day-to-day care and maintain
24.2 the health, safety, and welfare of the child;

24.3 ~~(4)~~ (3) the child has been in foster care for at least ~~48~~ 24 months after the court issued
24.4 the order terminating parental rights;

24.5 ~~(5)~~ (4) the child has not been adopted; and

24.6 ~~(6)~~ (5) the child is not the subject of a written adoption placement agreement between
24.7 the responsible social services agency and the prospective adoptive parent, as required under
24.8 Minnesota Rules, part 9560.0060, subpart 2.

24.9 Sec. 15. Minnesota Statutes 2022, section 260C.329, subdivision 8, is amended to read:

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

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

24.13 (2) the child has not been adopted;

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

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

24.19 ~~(5)~~ (4) the child desires to reside with the parent;

24.20 ~~(6)~~ (5) the parent has corrected the conditions that led to an order terminating parental
24.21 rights; and

24.22 ~~(7)~~ (6) the parent is willing and has the capability to provide day-to-day care and maintain
24.23 the health, safety, and welfare of the child.

24.24 Sec. 16. **CULTURAL COMPETENCY TRAINING FOR INDIVIDUALS WORKING**
24.25 **WITH AFRICAN AMERICAN AND DISPROPORTIONATELY REPRESENTED**
24.26 **FAMILIES AND CHILDREN IN THE CHILD WELFARE SYSTEM.**

24.27 Subdivision 1. **Applicability.** The commissioner of human services shall collaborate
24.28 with the Children's Justice Initiative to ensure that cultural competency training is given to
24.29 individuals working in the child welfare system, including child welfare workers, supervisors,
24.30 attorneys, juvenile court judges, and family law judges.

25.1 Subd. 2. **Training.** (a) The commissioner shall consult with the African American Child
25.2 Well-Being Advisory Council to develop training content and establish the frequency of
25.3 trainings.

25.4 (b) The cultural competency training under this section is required prior to or within six
25.5 months of beginning work with any African American or disproportionately represented
25.6 child and family. A responsible social services agency staff person who is unable to complete
25.7 the cultural competency training prior to working with African American or
25.8 disproportionately represented children and families must work with a qualified staff person
25.9 within the agency who has completed cultural competency training until the person is able
25.10 to complete the required training. The training must be available by January 1, 2025, and
25.11 must:

25.12 (1) be provided by an individual or organization that serves African American and
25.13 disproportionately represented communities or has experience and knowledge about African
25.14 American and disproportionately represented communities' social and cultural norms and
25.15 historical trauma;

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

25.19 (3) include instruction on effectively developing a safety plan and instruction on engaging
25.20 a safety network; and

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

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

25.23 Subd. 3. **Update.** The commissioner, in coordination with the African American Child
25.24 Well-Being Advisory Council, shall provide an update to the legislative committees with
25.25 jurisdiction over child protection issues by January 1, 2025, on the rollout of the training
25.26 under subdivision 1 and the content and accessibility of the training under subdivision 2.

25.27 Sec. 17. **DISAGGREGATE DATA.**

25.28 The commissioner of human services shall work with the African American Child
25.29 Well-Being Advisory Council to establish a method to disaggregate data related to African
25.30 American and other child welfare disproportionality and begin disaggregating data by
25.31 January 1, 2025.

26.1 Sec. 18. **ENSURING FREQUENT VISITATION FOR AFRICAN AMERICAN AND**
26.2 **DISPROPORTIONATELY REPRESENTED CHILDREN IN OUT-OF-HOME**
26.3 **PLACEMENT.**

26.4 A responsible social services agency must engage in best practices related to visitation
26.5 when an African American or a disproportionately represented child is in out-of-home
26.6 placement. When the child is in out-of-home placement, the responsible social services
26.7 agency shall make active efforts to facilitate regular and frequent visitation between the
26.8 child and the child's parents or custodians, the child's siblings, and the child's relatives. If
26.9 visitation is infrequent between the child and the child's parents, custodians, siblings, or
26.10 relatives, the responsible social services agency shall make active efforts to increase the
26.11 frequency of visitation and address any barriers to visitation.

26.12 Sec. 19. **CHILD WELFARE COMPLIANCE AND FEEDBACK PORTAL.**

26.13 The commissioner of human services shall develop, maintain, and administer a publicly
26.14 accessible online compliance and feedback portal to receive reports of noncompliance with
26.15 the Layla Jackson Law under Minnesota Statutes, sections 260.61 to 260.697, and other
26.16 statutes related to child maltreatment, safety, and placement. Reports received through the
26.17 portal must be transferred for review and further action to the appropriate unit or department
26.18 within the Department of Human Services.

26.19 Sec. 20. **DIRECTION TO COMMISSIONER; MAINTAINING CONNECTIONS**
26.20 **IN FOSTER CARE BEST PRACTICES.**

26.21 The commissioner of human services shall develop and publish guidance on best practices
26.22 for ensuring that African American and disproportionately represented children in foster
26.23 care maintain connections and relationships with their parents, custodians, and extended
26.24 relative and kin network. The commissioner shall also develop and publish best practice
26.25 guidance on engaging and assessing noncustodial and nonadjudicated parents to care for
26.26 their African American or disproportionately represented children who cannot remain with
26.27 the children's custodial parents.

26.28 Sec. 21. **SEVERABILITY.**

26.29 The provisions in this act are severable. If any part or provision of the sections of this
26.30 act, or the application of any section to any person, entity, or circumstance, is held invalid
26.31 or unconstitutional, the remainder, including the application of the part or provision to other

27.1 persons, entities, or circumstances, shall not be affected by the holding and shall continue
27.2 to have force and effect.

27.3 Sec. 22. **APPROPRIATIONS.**

27.4 (a) \$..... in fiscal year 2025 is appropriated from the general fund to the commissioner
27.5 of human services for the administration of the Layla Jackson Law under Minnesota Statutes,
27.6 sections 260.61 to 260.697. This is an ongoing appropriation.

27.7 (b) \$..... in fiscal year 2025 is appropriated from the general fund to the commissioner
27.8 of human services for the development, maintenance, and administration of the child welfare
27.9 compliance and feedback portal. This is an ongoing appropriation.